SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Brian Avalos, Employee No. [redacted], hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated July 21, 2010, (IAB No. 2250421) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree the five (5) day suspension shall stand.

2. The Department will hold two (2) days in abeyance for a period of twelve (12) months from the date of execution of this Settlement Agreement. In addition, the remaining three (3) days will be held in abeyance pending completion of the below listed classes. Failure to complete all of the below classes will result in the imposition of the three (3) days held in abeyance:

- Lieutenant's Interactive Forum for Education(LIFE) class (8 hours)
- Anger Awareness Management class (4 hours)
- Write an evaluation reflecting on your experience with the EBD process

3. The Grievant understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Settlement Agreement, two (2) days held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the five (5) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. All parties agree that the violations listed in the Letter of Intent shall be deemed "founded" and listed on the Letter of Imposition.

RECEIVED FEB 03 2011

6. The Grievant further agrees to withdraw his grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraphs two (2) and three (3) above.

7. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

8. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

9. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

10. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.

11. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Date: 12-07-10	Date: 1-19-11
Brian Avalos, Deputy	Dennis Burns, Chief

DISPOSITION WORKSHEET

Re: IV 2250421
Subject: **David Ortega #[redacted]**
Investigator: Diana Gealta, Sergeant
Advocate: Barbara D'Abusco, Sergeant

SUMMARY:

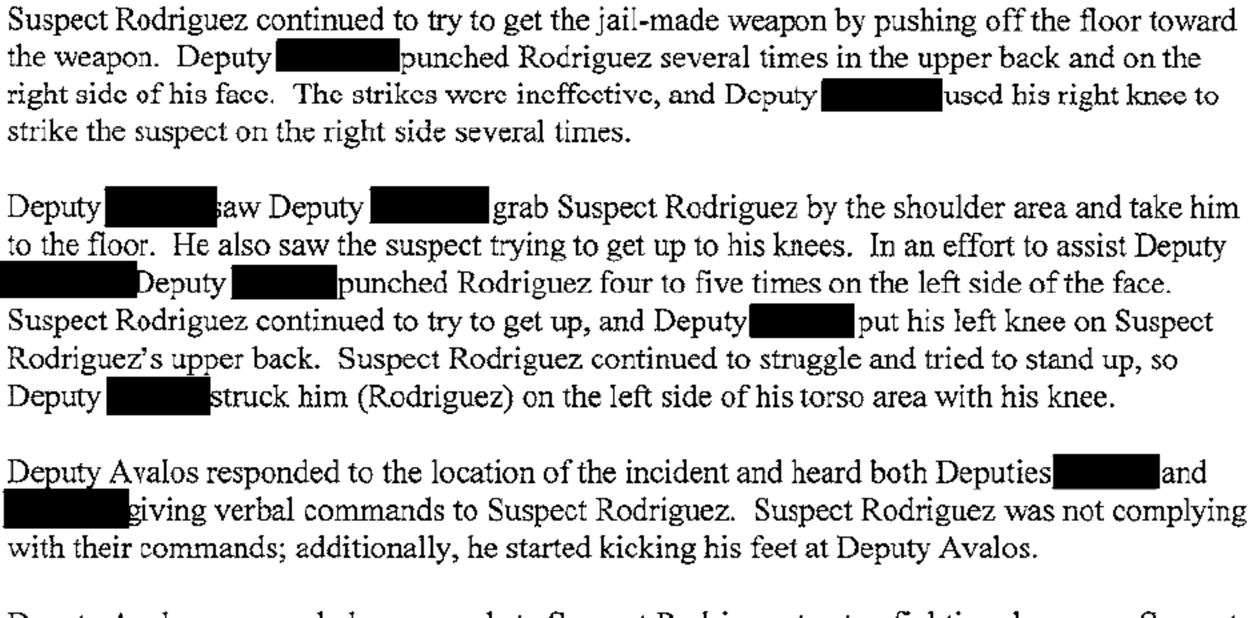
On September 1, 2009, at approximately 1440 hours, Men's Central Jail deputies were involved in a use of force with Inmates Justin Castro and Antonio Rodriguez in Module 3301. Module 3301 is the disciplinary module for inmates classified as K-10. The inmates are classified as such because they are high risk to jail security and require administrative segregation from the general population inmates. They are housed in single-man cells and are searched and handcuffed prior to being removed from their cells.

Deputies were escorting K-10 Inmates Castro and Rodriguez back to their cells in Module 3301 to be rehoused after using the law library. Both inmates were waist-chained and handcuffed behind their backs. Prior to rehousing the inmates, Deputy [redacted] observed Inmate Castro retrieve a four-inch metal shank from the rear waistband area of his Los Angeles County jumpsuit.

In order to prevent Inmate Castro from using the shank, Deputy [redacted] took Inmate Castro to the floor. Castro's head struck the wall in the hallway of 3301 Module, and he dropped the jail-made weapon. Suspect Castro tried to kick Deputy [redacted] and kept trying to roll onto his back. Deputy [redacted] put his knee on the back of Suspect Castro's head and punched him several times on his back. When Deputies Ortega and [redacted] arrived, Suspect Castro kicked both legs toward Deputy Ortega, and Deputy Ortega struck Suspect Castro once on each ankle with his flashlight. Deputy [redacted] observed Suspect Castro kicking at Deputy Ortega and ordered him to stop fighting. Suspect Castro ignored Deputy [redacted] commands. In an effort to control Suspect Castro, Deputy [redacted] punched Suspect Castro two to six times in the rib cage area on his left side. He then placed his knee on Suspect Castro's lower back and applied pressure.

Suspect Castro continued to reach for the jail-made weapon, and Deputy Ortega struck him on both hands with his flashlight, at which point Suspect Castro complied with the deputies' orders.

As the fight with Castro was taking place, Inmate Rodriguez attempted to reach for the shank that Castro had dropped. Recognizing this, Deputy [redacted] initiated a take-down of Suspect Rodriguez. Suspect Rodriguez immediately tried to stand up by putting his knees against the floor and pushing off the floor. Deputy [redacted] gave the suspect verbal commands and placed his left knee on Rodriguez's lower back.



Suspect Rodriguez continued to try to get the jail-made weapon by pushing off the floor toward the weapon. Deputy [redacted] punched Rodriguez several times in the upper back and on the right side of his face. The strikes were ineffective, and Deputy [redacted] used his right knee to strike the suspect on the right side several times.

Deputy [redacted] saw Deputy [redacted] grab Suspect Rodriguez by the shoulder area and take him to the floor. He also saw the suspect trying to get up to his knees. In an effort to assist Deputy [redacted] Deputy [redacted] punched Rodriguez four to five times on the left side of the face. Suspect Rodriguez continued to try to get up, and Deputy [redacted] put his left knee on Suspect Rodriguez's upper back. Suspect Rodriguez continued to struggle and tried to stand up, so Deputy [redacted] struck him (Rodriguez) on the left side of his torso area with his knee.

Deputy Avalos responded to the location of the incident and heard both Deputies [redacted] and [redacted] giving verbal commands to Suspect Rodriguez. Suspect Rodriguez was not complying with their commands; additionally, he started kicking his feet at Deputy Avalos.

Deputy Avalos gave verbal commands to Suspect Rodriguez to stop fighting; however, Suspect Rodriguez continued to struggle. Deputy Avalos struck Suspect Rodriguez five to seven times on his left ankle with his flashlight. Deputy [redacted] sprayed Suspect Rodriguez in the facial area with Freeze +P. At this time Suspect Rodriguez complied with the deputies' orders.

Both Suspect Rodriguez and Suspect Castro were immediately treated at Men's Central Jail and then transported to Los Angeles County Medical Center where they were treated by Dr. Susan Partovi.

Suspect Rodriguez complained to the American Civil Liberties Union, alleging that the deputies used force against him to retaliate for making complaints to the American Civil Liberties Union. Those allegations were assigned case #IV 2250421.

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit.

Potential Charge(s):

1. That in violation of the **Department's Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards,** on or about September 1, 2009, you failed to properly perform your duties and/or failed to perform your duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for your position, as evidenced by but not limited to:

a) unnecessarily putting yourself and/or your coworkers in an unsafe position, when you chose to leave your fixed post of Module(s) 3500/3700 to assist in moving inmates from the Law Library to their housing location of Module 3301; and/or,

b) failing to use sound tactics that are consistent with Department training by failing to carry a radio; and/or,

c) failing to adequately observe, and/or, describe, and/or relay, and/or report the actions of assisting deputies; and/or,

d) failing to report, and/or note in your supplemental report your recovery of evidence, to wit: a jailhouse constructed weapon commonly referred to as a shank.

2. That in violation of the **Department's Manual of Policy and Procedures, Section 3-01/030.10, Obedience to Laws, Regulations, and Orders**, specifically, **Section 5-04/100.00, Evidence Handling,** on or about September 1, 2009, you failed to carefully handle and/or book an article of evidentiary value without unnecessary delay, as evidenced by, but not limited to:

a) failing to maintain, and/or, ensure a proper chain of continuity, and/or custody of evidence, to wit: a jailhouse constructed weapon commonly referred to as a shank.

Evidence Reference:

Complete IAB file number 2250421

Defenses/Conflicting Evidence:

Complete IAB file number 2250421

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised June 9, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Performance to Standards	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
__X__ **Suspension with loss of pay and benefits for __10__ days**
_____ **Written Reprimand**
_____ **No discipline**

IV2250421/ FO2250905

Table of Contents

Witness [redacted] Transcribed Interview

Witness [redacted] Transcribed Interview

Exhibits:

A- Operation Safe Jail Detective Castillo's filing package
Criminal History of Suspect Castro and Suspect Rodriguez
B- Complaint written by Suspect Castro
ACLU Letters
Declaration of Suspect Rodriguez
C- Video taped interview of Suspect Castro and Suspect Rodriguez
D- Pictures of Suspect's Injuries
E- Pictures with markings by Deputies Avalos, Ortega, and [redacted]
F- Pictures of 3301
G- K-10 Unit Orders

Miscellaneous Documents

Title 15 Log
PM Shift In-Service
Evidence Ledger
Request for IAB Investigation
Administrative Rights Forms
Force Review Forms

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
09/01/09	0	Men's Central Jail	IV2250421

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
3-01/030.10- Obedience to Laws, Regulations and Orders
3-01/050.10 Performance to Standards

DATE, TIME, DAY OF OCCURRENCE	RELATED URN FILE No. IF APPLICABLE
September 1, 2009, Monday, 1440 hours	FO 2250905

LOCATION OF OCCURRENCE: 441 Bauchet St, Los Angeles California

SOURCE OF COMPLAINT: ☐ COMMUNITY ☐ SUPERVISION W/C REPORT No. ______ ☒ OTHER SOURCES (SPECIFY) ACLU

SUBJECT No. OF	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE | DATE APPOINTED TO RANK | INTERVIEW TAPE RECORDED ON TAPE ___ OF ___ SIDE ☐ A ☐ B DATE ______ TIME ______

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No	MANUAL SECTION(S) VIOLATED	DISCIPLINE

SUBJECT No. OF	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE | DATE APPOINTED TO RANK | INTERVIEW TAPE RECORDED ON TAPE ___ OF ___ SIDE ☐ A ☐ B DATE ______ TIME ______

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

CODE: C - COMPLAINANT, W - WITNESS — ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☐ YES ☐ NO

CODE No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS: ***SEE SUPERVISOR'S USE OF FORCE FORM************* — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ___ OF ___ SIDE ☐ A ☐ B DATE ______ TIME ______

CODE No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ___ OF ___ SIDE ☐ A ☐ B DATE ______ TIME ______

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
Diana V. Gealla	Sergeant	[redacted]		
ASSISTING INVESTIGATOR	**RANK**	**EMP. No.**	**DATE SUBMITTED**	

!E ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION

I.A.B. FILE No. IV2250421

NARRATIVE SHOULD BE AN OBJECTIVE AND UNBIASED STATEMENT OF THE FACTS; INVESTIGATOR OPINIONS SHALL NOT BE INCLUDED.

No. OF ITEMS	LIST EXHIBITS/EVIDENCE FIRST (IF STORED, STATE LOCATION - AUDIO TAPES SHOULD BE CLEARLY LABELED), THEN BEGIN NARRATIVE.
·	ADMINISTRATIVE RIGHTS FORMS. (ATTACH ONE FORM FOR EACH EMPLOYEE INTERVIEWED)
·	AUDIO TAPES. ALL INTERVIEWS SHALL BE TAPE RECORDED AND ALL TAPES MUST BE INCLUDED. (LIST EACH INTERVIEWEE BY NAME.)
·	
·	See Miscellaneous Documents for Administrative Rights Forms
·	Suspect Justin Castro- Digital 27552
·	Suspect Antonio Rodriguez-Digital 27554
·	Deputy [redacted]- Digital 27682/28321
·	Deputy [redacted] Digital 27660
·	Deputy [redacted] Digital 27661
·	Deputy David Ortega- Digital 27683/28324
·	Deputy Brian Avalos- Digital 27684
·	Deputy [redacted] Digital 27659
·	[redacted]- Digital 28008/28319
·	Senior Line Deputy Mario Castro- Digital 28033
·	Deputy Richard Brown- Digital 27681
·	Deputy Christopher Hernandez- Digital 28057
·	Deputy Justin Bravo- Digital 28062
·	Deputy Jason Rivera- Digital 28007
·	Deputy Manuel Ibarra- Digital 28063
·	Inmate [redacted] Digital 27598
·	Inmate [redacted] Digital 27548
·	Inmate [redacted] Digital 27649
·	Inmate [redacted] Digital 27551
·	Inmate [redacted] Digital 27550
·	Inmate [redacted] Digital 27547
·	Inmate [redacted] Digital 27546
·	Inmate [redacted] Digital 28067

NARRATIVE CAN BE CONTINUED ON SH-AD-49 CONTINUATION FORM OR PLAIN BOND.

I.A.B. FILE No. IV 2250421

NARRATIVE SHOULD BE AN OBJECTIVE AND UNBIASED STATEMENT OF THE FACTS; INVESTIGATOR OPINIONS SHALL NOT BE INCLUDED.

No. OF ITEMS	LIST EXHIBITS/EVIDENCE FIRST (IF STORED, STATE LOCATION - AUDIO TAPES SHOULD BE CLEARLY LABELED), THEN BEGIN NARRATIVE.
	ADMINISTRATIVE RIGHTS FORMS. (ATTACH ONE FORM FOR EACH EMPLOYEE INTERVIEWED)
	AUDIO TAPES. ALL INTERVIEWS SHALL BE TAPE RECORDED AND ALL TAPES MUST BE INCLUDED. (LIST EACH INTERVIEWEE BY NAME.)
	Inmate [redacted] Digital 27549
	Inmate [redacted] Digital 28067
	Inmate [redacted] Digital 28067

NARRATIVE CAN BE CONTINUED ON SH-AD-49 CONTINUATION FORM OR PLAIN BOND.

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 009-01230-5100-056	Date: 9/1/09	Time: 1440 Hours	
Location: 411 Bauchet Street		City or Station: Los Angeles	
Bureau/Station/Facility: Men's Central Jail		Admin. Investigation: YES [X] NO [ ]	
Type of Force: Skeletal Fractures			
Deputy Injury: YES [ ] NO [X]	Suspect Injury YES [X] NO [ ]		
[ ] Call	[ ] Observation	[X] Detail	[ ] Foot Pursuit [ ] Vehicle Pursuit
IAB Notified: YES [X] NO [ ]	Person Notified: Lt. Curtis Jensen	Emp: [redacted]	IAB Roll Out: YES [X] NO [ ]

Involved Employee

E1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name
Sex: [X] Male [ ] Female	Race: H	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: [ ] EM [ ] Day [redacted] PM	[redacted] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 601 / Weight: 205
[ ] Injured [ ] Treated [ ] Admitted Hospital:		Coroner Case #	Directed Force [ ] / Significant Force [X]

E2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name
Sex: [X] Male [ ] Female	Race: H	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: [ ] EM [ ] Day [redacted] PM	[redacted] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 510 / Weight: 204
[ ] Injured [ ] Treated [ ] Admitted Hospital:		Coroner Case #	Directed Force [ ] / Significant Force [X]

E3

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name
Sex: [X] Male [ ] Female	Race: H	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: [ ] EM [ ] Day [redacted] PM	[redacted] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 510 / Weight: 195
[ ] Injured [ ] Treated [ ] Admitted Hospital:		Coroner Case #	Directed Force [ ] / Significant Force [X]

[X] Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	YES [ ] NO [X]	YES [ ] NO [X]
					YES [ ] NO [ ]	YES [ ] NO [ ]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ohnemus	Matthew	W.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Shannon	Thomas	M.

Thomas M. Shannon
Watch Commander (**Print Name**) — Watch Commander's **Signature**: — Emp #: — Date

Diana V. Gealta
Supervisor Completing Form: (**Print Name**) — Emp #: [redacted] — Copy Provided to Employee by: — Emp #:

Daniel S. Cruz
Unit Commander (**Print Name**) — Unit Commander's **Signature**: — Emp #: — Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
009-01230-5100-056

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	Ortega	David	R.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	3500 Module

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	509	185

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital: ______		Directed Force ☐ Significant Force ☒

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	Avalos	Brian	R.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	3301 Module

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	508	180

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital: ______		Directed Force ☐ Significant Force ☒

E 6

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	[redacted]

Shift		Age	Height	Weight
☐ EM ☐ Day [redacted] PM	[redacted] Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	509	193

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital: ______		Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital: ______		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital: ______		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
0 0 9 - 0 1 2 3 0 - 5 1 0 0 - 0 5 6

Suspect Information

S 1

Last Name: Castro | First Name: Justin | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: | Age: 28 | Height: 511 | D.O.B. 06/30/79 | Weight: 190 | Armed? ☒

Booking #: 1515720 | Primary Charge Code: 245.3 PC | Secondary Charge Code: 69 PC | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: Casip, Jocelyn | Unit: MCJ Clinic | Phone #: 213-974-4961

Hospital Admission? ☐ Rec'd Treatment At: LCMC | Coroner Case #: | Mental History ☐

By Doctor: Partovi Susan, MD | Address: 1200 N. State Street Los Angeles | Phone #: 323-409-4000

Under Influence: ☐ YES ☐ NO Substance: | Mental Illness ☐

Suspect Interview

Date: 09/01/09 | Time: | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S 2

Last Name: Rodriguez | First Name: Antonio | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: | Age: 23 | Height: 511 | D.O.B. 01/23/81 | Weight: 165 | Armed? ☐

Booking #: 8349982 | Primary Charge Code: 69 PC | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: Pui Chan | Unit: MCJ Clinic | Phone #: 213-974-4961

Hospital Admission? ☐ Rec'd Treatment At: LCMC | Coroner Case #: | Mental History ☐

By Doctor: Partovi Susan, MD | Address: 1200 N. State Street Los Angeles | Phone #: 323-409-4000

Under Influence: ☐ YES ☐ NO Substance: | Mental Illness: ☐

Suspect Interview

Date: 09/01/09 | Time: | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S _

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Supervisor's Report on Use of Force

EMPLOYEE / NON-EMPLOYEE INFORMATION Continuation

009-01230-5100-056

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	
[redacted]	Castro	Mario	
[redacted]	Brown	Richard	
[redacted]	Hernandez	Christopher	
[redacted]	Bravo	Justin	
[redacted]	Rivera	Jason	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.	Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		19	[redacted]	[redacted]	[redacted]	[redacted]		
[redacted]	[redacted]		29	[redacted]	[redacted]	[redacted]	[redacted]		
[redacted]	[redacted]		32	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		27	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		22	[redacted]	[redacted]	[redacted]	[redacted]		
[redacted]	[redacted]		25	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		29	[redacted]	[redacted]	[redacted]	[redacted]		
[redacted]	[redacted]		21	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		26	[redacted]	[redacted]	[redacted]	[redacted]		

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
0 0 9 - 0 1 2 3 0 - 5 1 0 0 - 0 5 6

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ibarra	Manuel	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		21	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]		

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		20	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]		

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		30	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]		

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

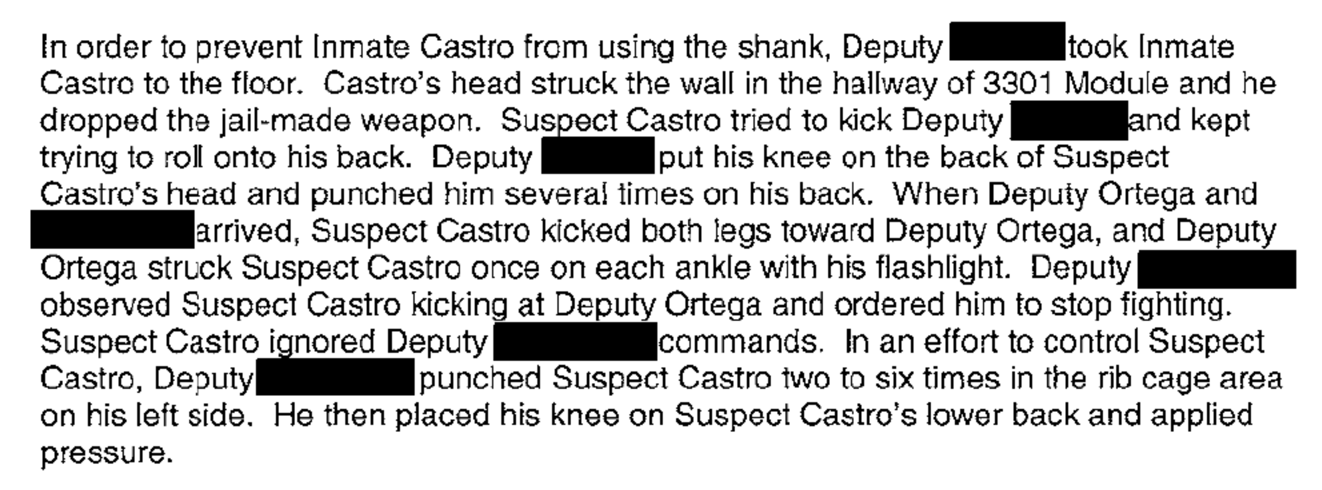
(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Castro	S-1	[redacted]	E-1	OE	NN	NN
[redacted]	E-1	Castro	S-1	CT	NN	NN
Castro	S-1	[redacted]	E-1	RS	NN	NN
[redacted]	E-1	Castro	S-1	TD	LC	FA
Castro	S-1	[redacted]	E-1	PK	NN	NN
[redacted]	E-1	Castro	S-1	PO	NN	NN
[redacted]	E-1	Castro	S-1	PH	NN	NN
Castro	S-1	[redacted]	E-4	PK	NN	NN
Castro	S-1	Ortega	E-5	PK	NN	NN
Castro	S-1	[redacted]	E-4	UC	NN	NN
[redacted]	E-4	Castro	S-1	PH	NN	NN
[redacted]	E-4	Castro	S-1	PO	NN	NN
Ortega	E-5	Castro	S-1	FL	CP/FR	LE
Ortega	E-5	Castro	S-1	FL	NN	HD
Rodriguez	S-2	[redacted]	E-2	UC	NN	NN
[redacted]	E-2	Rodriguez	S-2	TD	BR	HD
Rodriguez	S-2	[redacted]	E-2	RS	NN	NN
[redacted]	E-2	Rodriguez	S-2	PO	NN	NN
[redacted]	E-2	Rodriguez	S-2	PH	NN	NN
Rodriguez	S-2	[redacted]	E-3	UC	NN	NN
[redacted]	E-3	Rodriguez	S-2	PH	NN	NN
[redacted]	E-3	Rodriguez	S-2	PO	NN	NN
[redacted]	E-3	Rodriguez	S-2	OC	CP	FA
[redacted]	E-3	Avalos	E-6	PK	NN	NN
Avalos	E-6	Rodriguez	S-2	FL	CP/FR	LE

INVESTIGATIVE SUMMARY
USE OF FORCE - SKELETAL FRACTURES
IAB CASE NUMBER FO2250905
URN NUMBER 009-01230-5100-056

On September 1, 2009 at approximately 1440 hours, Men's Central Jail Deputies were involved in a use of force with Inmates Justin Castro and Antonio Rodriguez in Module 3301. Module 3301 is the disciplinary module for inmates classified as K-10. The inmates are classified as such because they are high risk to jail security and require administrative segregation from the general population inmates. They are housed in single-man cells and are searched and handcuffed prior to being removed from their cells.

Deputies were escorting K-10 Inmates Castro and Rodriguez back to their cells in Module 3301 to be rehoused after using the law library. Both inmates were waist - chained and handcuffed behind their backs. Prior to rehousing the inmates, Deputy [redacted] observed Inmate Castro retrieve a four-inch metal shank from the rear waistband area of his Los Angeles County jumpsuit.


In order to prevent Inmate Castro from using the shank, Deputy [redacted] took Inmate Castro to the floor. Castro's head struck the wall in the hallway of 3301 Module and he dropped the jail-made weapon. Suspect Castro tried to kick Deputy [redacted] and kept trying to roll onto his back. Deputy [redacted] put his knee on the back of Suspect Castro's head and punched him several times on his back. When Deputy Ortega and [redacted] arrived, Suspect Castro kicked both legs toward Deputy Ortega, and Deputy Ortega struck Suspect Castro once on each ankle with his flashlight. Deputy [redacted] observed Suspect Castro kicking at Deputy Ortega and ordered him to stop fighting. Suspect Castro ignored Deputy [redacted] commands. In an effort to control Suspect Castro, Deputy [redacted] punched Suspect Castro two to six times in the rib cage area on his left side. He then placed his knee on Suspect Castro's lower back and applied pressure.

Suspect Castro continued to reach for the jail-made weapon and Deputy Ortega struck him on the both hands with his flashlight, at which point Suspect Castro complied with the deputies' orders.

As the fight with Castro was taking place, Inmate Rodriguez attempted to reach for the shank that Castro had dropped. Recognizing this, Deputy [redacted] initiated a take-down of Suspect Rodriguez. Suspect Rodriguez immediately tried to stand up by putting his knees against the floor and pushing off the floor. Deputy [redacted] gave the suspect verbal commands and placed his left knee on Rodriguez' lower back.

Suspect Rodriguez continued to try to get the jail-made weapon by pushing off the floor

toward the weapon. Deputy [redacted] punched Rodriguez several times in the upper back and on the right side of his face. The strikes were ineffective and Deputy [redacted] used his right knee to strike the suspect on the right side several times.

Deputy [redacted] saw Deputy [redacted] grab Suspect Rodriguez by the shoulder area and take him to the floor. He also saw the suspect trying to get up to his knees. In an effort to assist Deputy [redacted] Deputy [redacted] punched Rodriguez four to five times on the left side of the face. Suspect Rodriguez continued to try to get up and Deputy [redacted] put his left knee on Suspect Rodriguez' upper back. Suspect Rodriguez continued to struggle and tried to stand up, Deputy [redacted] struck him (Rodriguez) on the left side of his torso area with his knee.

Deputy Avalos responded to the location of the incident and heard both Deputy [redacted] and [redacted] giving verbal commands to Suspect Rodriguez. Suspect Rodriguez was not complying with their commands, additionally, he started kicking his feet at Deputy Avalos.

Deputy Avalos gave verbal commands to Suspect Rodriguez to stop fighting; however, Suspect Rodriguez continued to struggle. Deputy Avalos struck Suspect Rodriguez 5-7 times on his left ankle with his flashlight. Deputy [redacted] sprayed Suspect Rodriguez in the facial area with Freeze +P, at this time Suspect Rodriguez complied with the deputies orders.

Both Suspect Rodriguez and Suspect Castro were immediately treated at Men's Central Jail then transported to Los Angeles County Medical Center where they were treated by Doctor Susan Partovi.

Suspect Rodriguez complained to the American Civil Liberties Union alleging that the deputies used force against him to retaliate for making complaints to the American Civil Liberties Union. Those allegations were assigned case #IV 2250421 and are addressed in this summary.

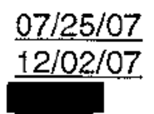
The following summary of this incident is based on information obtained from reports, involved deputies and witness interviews, along with other documents regarding Men's Central Jail file number 009-01230-5100-056 (**Exhibits A through G**).

INVOLVED PERSONNEL

[redacted] Deputy Sheriff, #[redacted]
Custody Division
Men's Central Jail

Work History

Date of Employment 07/25/07
Date Assigned to Men's Central Jail 12/02/07
Prior Founded Force Incidents [redacted]



[redacted] Deputy Sheriff, #[redacted]
Custody Division
Men's Central Jail

Work History
Date of Employment 12/06/06
Date Assigned to Men's Central Jail 02/24/08
Prior Founded Force Incidents [redacted]

ORTEGA, David, Deputy Sheriff, #[redacted]
Custody Division
Men's Central Jail

Work History
Date of Employment 06/06/07
Date Assigned Men's Central Jail 10/12/07
Prior Founded Force Incidents [redacted]

[redacted] Deputy Sheriff, # [redacted]
Custody Division
Men's Central Jail

Work History
Date of Employment 05/21/07
Date Assigned to Men's Central Jail 10/14/07
Prior Founded Force Incidents [redacted]

[redacted] Deputy Sheriff, #[redacted]
Custody Division
Men's Central Jail

Work History
Date of Employment 01/07/08
Date Assigned to Men's Central Jail 01/07/08
Prior Founded Force Incidents [redacted]

AVALOS, Brian, Deputy Sheriff, #[redacted]
Custody Division
Men's Central Jail

Work History

Date of Employment	08/13/07
Date Assigned to Men's Central Jail	02/10/08
Prior Founded Force Incidents	[redacted]

SUSPECTS

CASTRO, Justin, MH/30, DOB: 06/30/79, Booking #1515720
[redacted]

Suspect Castro's criminal history (CCHRS) [redacted] He is currently housed at Men's Central Jail as a State Prison returnee. Refer to **Exhibit "A"** for further information.

RODRIGUEZ, Antonio, MH/23, DOB:01/23/81, Booking #8349982
[redacted]

Suspect Rodriguez' criminal history (CCHRS) [redacted] Refer to **Exhibit "A"** for further information.

SWORN WITNESSES

[redacted] #[redacted]

CASTRO, Mario, Supervising Line Deputy- Bonus I, #[redacted]

BROWN, Richard, Deputy Sheriff, #[redacted]

HERNANDEZ, Christopher, Deputy Sheriff, #[redacted]

BRAVO, Justin, Deputy Sheriff, #[redacted]

RIVERA, Jason, Deputy Sheriff, #[redacted]

IBARRA, Manuel, Deputy Sheriff, #[redacted]

CIVILIAN WITNESSES

[redacted]MH/19, DOB:[redacted] Booking #[redacted]

CDC#[redacted]

[redacted]MW/29, DOB:[redacted] Booking #[redacted]

[redacted]MH/32, DOB:[redacted] Booking #[redacted]

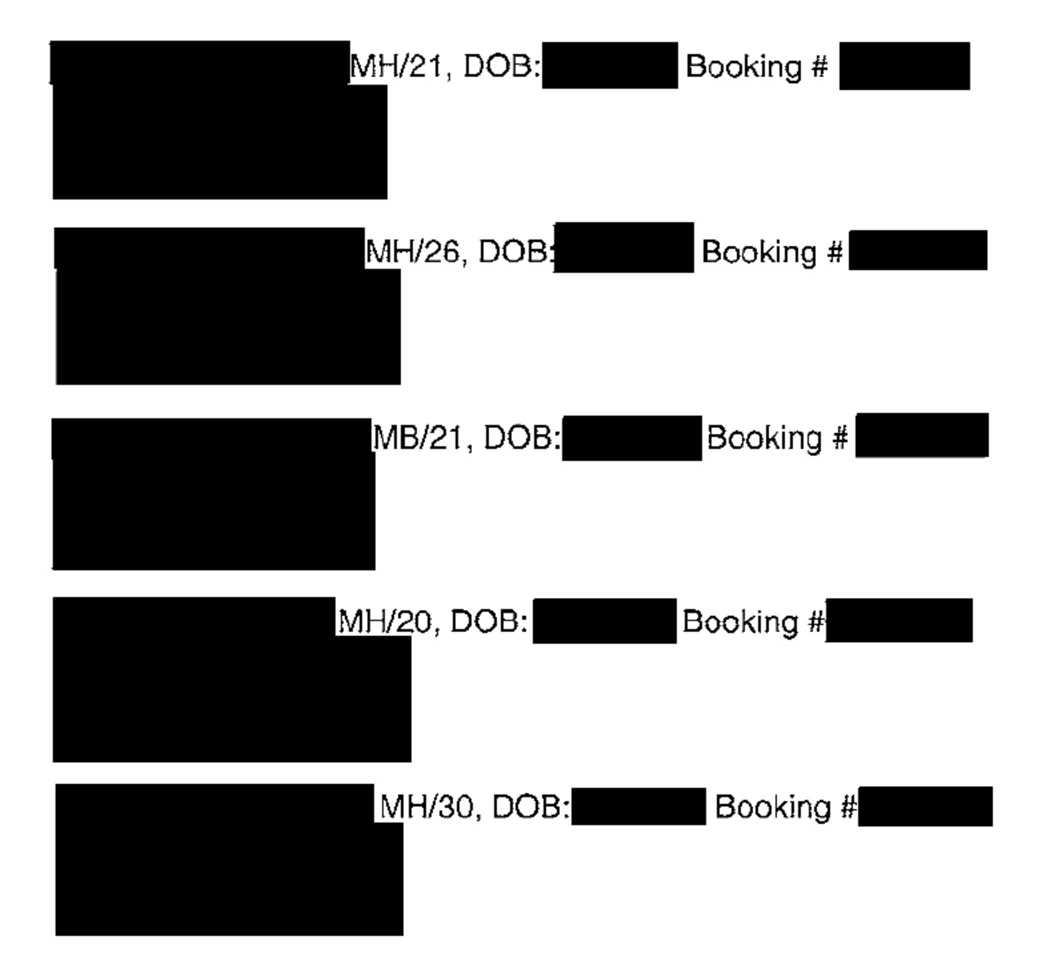
[redacted]MH/27, DOB:[redacted] Booking, #[redacted]

[redacted]MB/22, DOB:[redacted] Booking #[redacted]

CDC#[redacted]

[redacted]MH/25, DOB:[redacted]Booking #[redacted]

[redacted]MH/29, DOB:[redacted] Booking #[redacted]



[redacted] MH/21, DOB: [redacted] Booking # [redacted]

[redacted] MH/26, DOB: [redacted] Booking # [redacted]

[redacted] MB/21, DOB: [redacted] Booking # [redacted]

[redacted] MH/20, DOB: [redacted] Booking # [redacted]

[redacted] MH/30, DOB: [redacted] Booking # [redacted]

INJURIES
Suspect Castro sustained a fracture of his left fibula (outside bone between knee and ankle), a three centimeter long laceration over his left orbital which required four sutures, a contusion of the right side of his forehead which measured eight centimeters by eight centimeters, and an abrasion on his left shin which measured approximately one centimeter by one centimeter. He complained of pain behind his left ear which had slight redness to the area. He was initially treated in the Men's Central Jail clinic by Nurse Ejimde #[redacted] then transported to Los Angeles County Medical Center where he was treated by Doctor Susan Partovi and returned Men's Central Jail on September 2, 2009.

Suspect Rodriguez sustained a fracture of both his left and right fibula (outside bone between knee and ankle), a two and half centimeter by one centimeter laceration on his left ankle which required four staples, a contusion on his right cheek and exposure to Freeze + P. He was initially treated in the Men's Central Jail clinic by Nurse Caisip #[redacted] then transported to Los Angeles County Medical Center where he was treated by Doctor Susan Partovi and returned to Men's Central Jail on September 2, 2009.

PHYSICAL EVIDENCE

None

INVESTIGATOR OBSERVATIONS

None- Investigator notified regarding case on September 2, 2009

WEAPONS USED BY DEPUTY PERSONNEL

Deputy [redacted] Takedown, Fist, Knee

Deputy [redacted] Fist, Knee, Freeze + P

Deputy Avalos: Flashlight

Deputy Ortega: Flashlight

Deputy [redacted] Takedown, Fists, Knee

Deputy [redacted] Fist, Knee

WEAPONS USED BY THE SUSPECTS

Suspect Castro: Resistive, Assaultive- Feet, jail-made weapon

Suspect Rodriguez: Resistive, Assaultive- Feet

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigator: Jail Investigation Unit Detective Armando Castillo filed one count of 4502(A) PC, Possession of a jail-made weapon at Central District Court under case number, BA361807 against Suspect Castro.

Deputy District Attorney Kranze rejected filing of charges against Suspect Rodriguez.

Suspect Castro's case #BA361807 was dismissed due to a plea agreement in which Suspect Castro was sentenced to sixteen years in the state prison for attempt murder in case #BA350413 and possession of a weapon in a custody facility in case #BA341566.

INVOLVED EMPLOYEE STATEMENTS

[redacted]

Deputy [redacted] was interviewed on Wednesday, November 4, 2009, at approximately 1020 hours then again on February 3, 2019 by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Internal Affairs Bureau. The interviews were tape recorded, the following is a summary of the interviews.

Deputy [redacted] stated he was assigned as 3100/3300 Title 15 Movement Deputy on PM shift on September 1, 2009. He stated at the beginning of the shift he was informed by day shift personnel that there was tension in the module because deputy personnel had been involved in a fight with inmates during a row search in the module. Deputy [redacted] said that although there was a sergeant assigned to the module, he had not spoken to him prior to picking up the inmates from the law library. Additionally, Deputy [redacted] stated that on August 31, 2009, Suspect Castro threw an unknown substance on him.

IAB Note: On September 1, 2009 on day shift, there was an incident in 3100 which was documented under file# 009-01224-5100-145.

Deputy [redacted] explained that due to their classification, K-10 inmates are handcuffed and escorted everywhere they go. They are also searched prior to leaving their cells and prior to being put back into their cells.

On the day of the incident, Deputy [redacted] Deputy Ortega and four or five other unidentified deputies went to 1750 module to escort the Pro Per inmates from the law library to 3000 floor. Deputy [redacted] stated because of the tension with the K-10 inmates, extra deputy personnel went to the law library. He could not recall how many inmates they picked up from the law library, he guessed it was about four or five inmates.

Deputy [redacted] stated he did not have his flashlight out, but he did ask Suspect Rodriguez if he was ready at least one time. He was not sure if he asked Suspect Rodriguez if he was ready a second time, Deputy [redacted] explained that sometimes the inmates are on the phone or on the computer and the deputies ask if they are ready to go in order for the inmates to stop what they are doing and get ready to be handcuffed.

Deputy [redacted] stated normally the inmates talk with the escorting deputies as they walk back to their module, but on the day of the incident they did not. He stated the deputies search the inmates prior to letting them back in their cells, and they were going to search Suspect Castro and Suspect Rodriguez prior to putting them back into their cells.

Deputy [redacted] stated he, along with approximately four inmates and several deputies,

returned to 3100/3300. Two of the inmates were assigned to 3100/3300 and were escorted down their row by several deputies.

Deputy [redacted] along with Deputy [redacted] Deputy [redacted] and Deputy Ortega escorted Suspect Castro and Suspect Rodriguez up to 3301. Suspect Rodriguez and Deputy [redacted] were in front followed by Suspect Castro and Deputy [redacted]

As they approached 3301 row, Deputy [redacted] saw Suspect Castro reach into the right rear middle section of his waistband and retrieve a shank with his left hand. Deputy [redacted] said he believed Inmate Castro was going to use the shank against him or other deputy personnel, so he immediately grabbed Suspect Castro's left wrist and right shoulder.

Deputy [redacted] said Suspect Castro leaned forward in an attempt to pull away from him. Deputy [redacted] took Suspect Castro to the floor. Suspect Castro was handcuffed and could not stop his fall and he hit his face on the wall as he was taken down to the floor. He landed face down on the floor.

While Suspect Castro was on his stomach, he flailed his legs at Deputy Alvarez in an attempt to kick him. Suspect Castro was unsuccessful in his attempt to kick Deputy [redacted] Suspect Castro then started trying to roll over onto his back.

Deputy [redacted] said he put his knee on the back of Suspect Castros head and punched him on the right side of his back three to five times. He stated Deputies [redacted] and Ortega responded to the location to assist him. Deputy [redacted] did not see any of Deputy [redacted] or Ortega's actions. He stated he saw tan and green from his peripheral vision and was later told it was Deputy [redacted] and Deputy Ortega.

Deputy Ortega gave Deputy [redacted] the jail-made weapon, Deputy [redacted] looked at the weapon then gave it to Deputy Hernandez to book as evidence.

Deputy [redacted] stated he did not see anyone use any impact weapons on Suspect Castro. He stated he did not have a Taser, but if he had one it would have been feasible to use it. He did have his Oleoresin Capsicum (OC spray) available, but did not use it because he did not want to give up control of the inmate to retrieve it and he did not have time to use it. Deputy [redacted] did not have a hobble restraint on the day of the incident. He did not put out radio traffic because he did not have the opportunity to do so.

Deputy [redacted] said he has never heard the expression "earning your ink" nor was it used on the day of the incident. He has never concerned himself with a supervisor observing him use force nor did he on the day of the incident.

Deputy [redacted] denied that he asked anyone to advise him when a supervisor arrived at the incident and no one asked him to advise them when a supervisor arrived.

Deputy [redacted] denied that another deputy instructed him as to what force to use. He also denied telling other deputies what force they should use. He stated neither he nor any deputy used towels to clean up blood off the floor.

Deputy [redacted] denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated he did not use force on Suspect Castro in retaliation for speaking to the American Civil Liberties Union or because of the incident which occurred on August 31, 2009. As quoted from his transcribed interview:

Gealta: Were you aware that the ACLU had visited 3301 in the morning of September 1st?

[redacted] No, I was not.

Gealta: Did you ever make any comment to any inmate letting them know if they talked to the ACLU they will pay?

[redacted] No.

Gealta: Did you ever say anything to the effect, "If you boys want to be bitches and call the ACLU, then you're gonna pay for this?"

[redacted] No.

Gealta: Or words to that effect?

[redacted] No.

Gealta: Did anyone tell you that Inmate Castro or Inmate Rodriguez had spoken with the ACLU on September 1st?

[redacted] No.

Gealta: Have you heard any deputy make a comment to any inmate regarding inmates wanting to speak to the ACLU?

[redacted] No.

Gealta: What is the procedure for inmates talking to the ACLU? If you want to talk to ACLU, how does that work?

[redacted] I'm not really sure, like, because ACLU, they kind of just go in and do their own thing but, I mean, if an inmate has any kind of grievance, if there's

anything they want to complain about, they're more than welcome to just write complaints. They fill out a complaint, ACLU comes down there maybe on a weekly basis. I don't know. I'm not exactly sure, but they show up whenever they show up and they just walk the rows and they just talk to the inmates, you know?

Gealta: Has any inmate ever asked you or told you that they wanted to speak to the ACLU?

[redacted] No.

Gealta: Were you aware of either Inmate Rodriguez or Inmate Castro had spoken to the ACLU on that day?

[redacted] No.

Gealta: Did you use force on Inmate Castro because he had spoken to the ACLU?

[redacted] No.

Gealta: Did this incident occur because Inmate Castro threw liquid at you on the 31st?

[redacted] No.

Gealta: Why did you use force against Castro on the --

[redacted] I used force against Castro because he was presented a clear danger to us. He grabbed a shank and I used force to overcome the threat that was right in front of me.

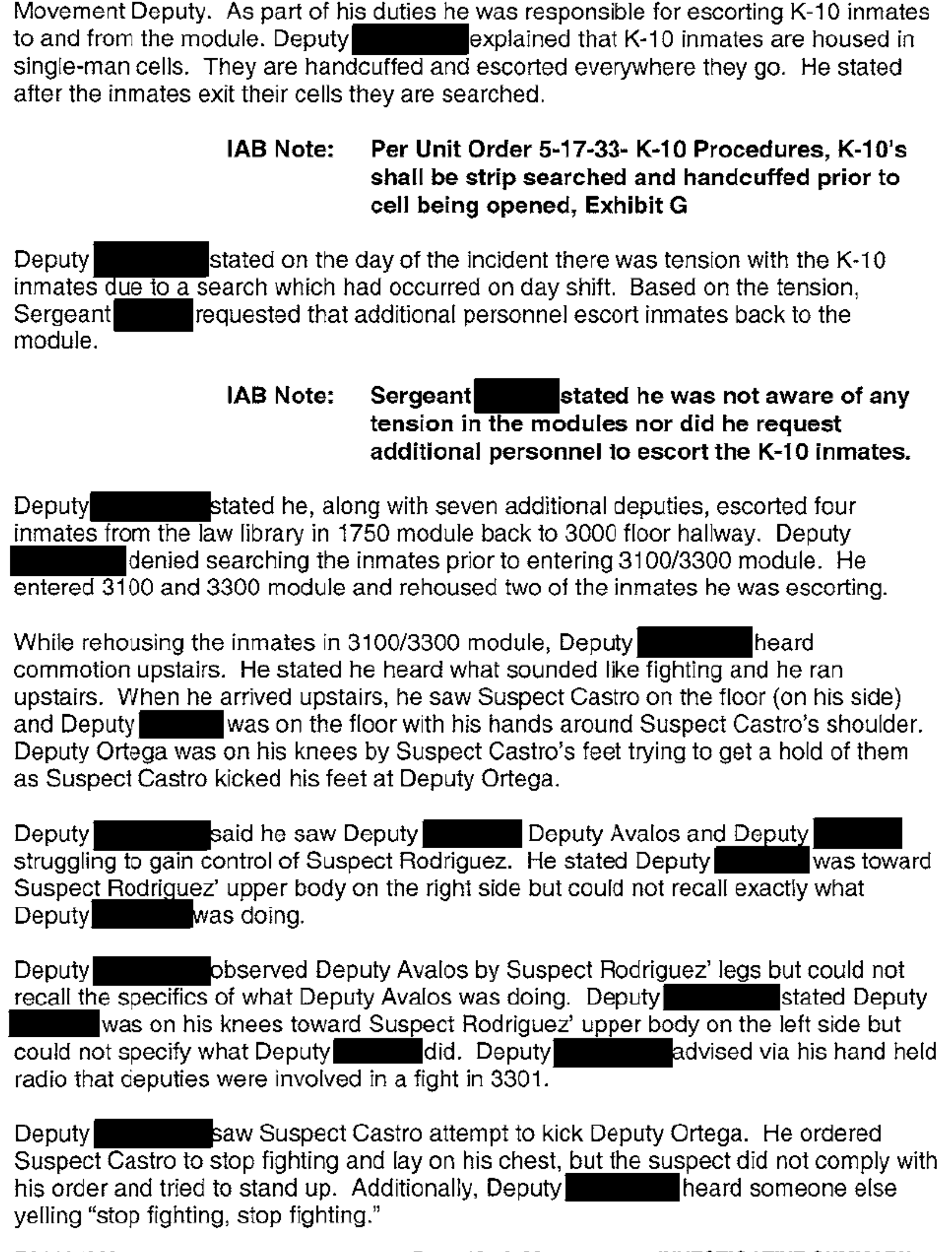
. **IAB Note:** **For further information, refer to Deputy [redacted] IAB verbatim transcript.**

IAB Note: **See Exhibit "A" for the first report authored by Deputy [redacted]**

[redacted]

Deputy [redacted] was interviewed on Monday, November 2, 2009, at approximately 1020 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Internal Affairs Bureau. The interview was tape recorded, the following is a summary of that interview.

On the day of the incident, Deputy [redacted] was assigned as the 3100/3300 Prowl



Movement Deputy. As part of his duties he was responsible for escorting K-10 inmates to and from the module. Deputy [redacted] explained that K-10 inmates are housed in single-man cells. They are handcuffed and escorted everywhere they go. He stated after the inmates exit their cells they are searched.

> **IAB Note: Per Unit Order 5-17-33- K-10 Procedures, K-10's shall be strip searched and handcuffed prior to cell being opened, Exhibit G**

Deputy [redacted] stated on the day of the incident there was tension with the K-10 inmates due to a search which had occurred on day shift. Based on the tension, Sergeant [redacted] requested that additional personnel escort inmates back to the module.

> **IAB Note: Sergeant [redacted] stated he was not aware of any tension in the modules nor did he request additional personnel to escort the K-10 inmates.**

Deputy [redacted] stated he, along with seven additional deputies, escorted four inmates from the law library in 1750 module back to 3000 floor hallway. Deputy [redacted] denied searching the inmates prior to entering 3100/3300 module. He entered 3100 and 3300 module and rehoused two of the inmates he was escorting.

While rehousing the inmates in 3100/3300 module, Deputy [redacted] heard commotion upstairs. He stated he heard what sounded like fighting and he ran upstairs. When he arrived upstairs, he saw Suspect Castro on the floor (on his side) and Deputy [redacted] was on the floor with his hands around Suspect Castro's shoulder. Deputy Ortega was on his knees by Suspect Castro's feet trying to get a hold of them as Suspect Castro kicked his feet at Deputy Ortega.

Deputy [redacted] said he saw Deputy [redacted] Deputy Avalos and Deputy [redacted] struggling to gain control of Suspect Rodriguez. He stated Deputy [redacted] was toward Suspect Rodriguez' upper body on the right side but could not recall exactly what Deputy [redacted] was doing.

Deputy [redacted] observed Deputy Avalos by Suspect Rodriguez' legs but could not recall the specifics of what Deputy Avalos was doing. Deputy [redacted] stated Deputy [redacted] was on his knees toward Suspect Rodriguez' upper body on the left side but could not specify what Deputy [redacted] did. Deputy [redacted] advised via his hand held radio that deputies were involved in a fight in 3301.

Deputy [redacted] saw Suspect Castro attempt to kick Deputy Ortega. He ordered Suspect Castro to stop fighting and lay on his chest, but the suspect did not comply with his order and tried to stand up. Additionally, Deputy [redacted] heard someone else yelling "stop fighting, stop fighting."

In an effort to gain control of Suspect Castro, Deputy [redacted] punched Suspect Castro with his right fist, between two to six times on his (Suspect Castro's) left rib cage area and his lower back. The suspect continued to ignore Deputy [redacted] commands by trying to stand up. Deputy [redacted] placed his right knee on Suspect Castro's lower back and applied pressure. This caused the suspect to lie in the prone position and he complied with Deputy [redacted] order not to move.

Deputy [redacted] stated he did not observe Suspect Rodriguez' actions during the incident.

Deputy [redacted] did not see a shank and did not hear anyone yell that there was a shank during the incident.

Deputy [redacted] stated no one involved in the incident had a Taser. He stated it would have been feasible to use a Taser in this situation if they had one at the time of the incident. Although Deputy [redacted] owns a hobble restraint, he did not have it with him on the day of the incident. Deputy [redacted] did have his Oleoresin Capsicum (OC spray) available but did not use it because he did not want to contaminate the area and effect his partners.

Deputy [redacted] said he has never heard the expression "earning your ink" nor was it used on the day of the incident. He has never concerned himself with a supervisor observing him use force nor did he on the day of the incident.

Deputy [redacted] denied that he asked anyone to advise him when a supervisor arrived at the incident and no one asked him to advise them when a supervisor arrived.

Deputy [redacted] denied that another deputy instructed him as to what force to use. He also denied telling other deputies what force they should use. He stated he did not use towels to clean up the blood on the floor. Deputy [redacted] did not know if any other deputy had used a towel to clean blood up off the floor.

Deputy [redacted] denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated he did not use force on Suspect Castro in retaliation for speaking to the American Civil Liberties Union. As quoted from his transcribed interview:

Gealta: Were you aware that the ACLU had visited 3301 on the morning of September 1st, 2009?

[redacted] No ma'am.

Gealta: Did you ever make any comment to any inmate letting them know if

they talked to the ACLU, they will pay?

[redacted] No ma'am.

Gealta: Or words to that effect?

[redacted] No ma'am.

Gealta: Did anyone tell you that inmate Castro or inmate Rodriguez had spoken to the ACLU on September 1st, 2009?

[redacted] No.

Gealta: Have you ever heard any deputy make any comments to inmates regarding the inmates talking to the ACLU?

[redacted] No.

Gealta: Were you aware if either inmate had spoken to the ACLU on September 1st, 2009?

[redacted] No.

Gealta: Did you use force on inmate Castro, because he had spoken to the ACLU?

[redacted] No.

Gealta: Why did you use force against inmate Castro on September 1st, 2009?

[redacted] Because he was being non cooperative and he was fighting with my partners.

Gealta: Did you use any force on inmate Antonio Rodriguez?

[redacted] No.

Gealta: Did you see anyone use force on Rodriguez, other than what we've discussed?

[redacted] No.

Gealta: Since the day of the incident, have you had any contact with inmate Castro?

[redacted] No.

Gealta: How about inmate Rodriguez?

[redacted] No.

IAB Note: **For further information, refer to Deputy [redacted] IAB verbatim transcript.**

IAB Note: **See Exhibit "A" for a supplemental report authored by Deputy [redacted]**

ORTEGA, David

Deputy Ortega was interviewed on Wednesday, November 4, 2009, at approximately 1100 hours then again on February 4, 2010 by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Internal Affairs Bureau. The interviews were tape recorded, the following is a summary of those interviews.

Deputy Ortega stated on the day of the incident he was assigned as the 3500 module officer which is on the opposite end of the hallway from 3301. He stated he was providing extra security for 3000 floor. Deputy Ortega was not aware of any tension in 3301 module.

Deputy Ortega was standing in the hallway in front of the control booth when the inmates returning from the law library were brought onto 3000 floor. Deputy Ortega stated he did not know how many inmates or deputies returned from the law library. He led the way to 3100/3300 module. The inmates were not searched when they arrived to 3000 floor.

Once inside 3100/3300 module, he went upstairs to 3301 and opened the row gate. He heard someone say "there's a shank" and he turned around. He saw Suspect Castro and Suspect Rodriguez on the floor along with deputy personnel. Two unidentified deputies were struggling with Suspect Rodriguez. One deputy was trying to control Suspect Rodriguez' legs and the other deputy was trying to control Suspect Rodriguez' upper body. Deputy Ortega could not provide further details as to the struggle between deputy personnel and Suspect Rodriguez.

Deputy Ortega saw that Suspect Castro was trying to kick a deputy and he jumped around Suspect Rodriguez and three to four people (in tan and green) who Deputy Ortega could not identify. At that point Suspect Castro was swaying from his side to his back as he kicked both legs at Deputy Ortega. Deputy Ortega struck Suspect Castro once on each leg in the ankle area with his flashlight.

Suspect Castro was waist chained and handcuffed in the back, and he was reaching for the shank which was to his left. Deputy Ortega struck Suspect Castro in the hands a

few times with his flashlight. At this point, Suspect Castro complied with the deputies' orders and stopped fighting. Deputy Ortega stated he picked up the jail-made weapon. After the incident he showed the jail-made weapon to Sergeant [redacted] then gave it to Deputy [redacted] who arranged for the weapon to be booked into evidence.

Deputy Ortega stated he was not issued a Taser on the day of the incident. He stated it would have been feasible to use a Taser in this situation if he had one at the time of the incident. Deputy Ortega stated he did not have a hobble restraint. He did have his Oleoresin Capsicum (OC spray) available but did not use it because he was focused on the suspect's legs and did not want to spray his partner.

Deputy Ortega said he has never heard the expression "earning your ink" nor was it used on the day of the incident. He has never concerned himself with a supervisor observing him use force nor did he on the day of the incident.

Deputy Ortega denied that he asked anyone to advise him when a supervisor arrived at the incident and nobody asked him to advise them when a supervisor arrived.

Deputy Ortega denied that another deputy instructed him as to what force to use. He also denied telling other deputies what force they should use. He stated neither he nor any other deputy used towels to clean up blood off the floor.

Deputy Ortega denied striking Suspect Rodriguez in the back of the head with his flashlight. He did not observe anyone strike Suspect Rodriguez on the back of the head with a flashlight. He denied holding Suspect Rodriguez' legs in his arms or telling Deputy [redacted] or Deputy Avalos to break the suspect's legs. Deputy Ortega stated no one instructed him to break Suspect Rodriguez' legs.

Deputy Ortega denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union or Internal Affairs Bureau. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated he did not use force on Suspect Castro in retaliation for speaking to the American Civil Liberties Union. As quoted from his transcribed interview:

Gealta: Were you aware that the ACLU had visited 3301 in the morning on September 1st , 2009?

Ortega: No, ma'am.

Gealta: Did you ever make any comment to any inmate letting them know if they talked to the ACLU they will pay?

Ortega: No.

Gealta: Did you ever say, "If your boys want to be bitches and call the ACLU, then you're gonna pay for this," or any words to that effect?

Ortega: No.

Gealta: Did anyone tell you that Inmate Castro or Inmate Rodriguez had spoken to the ACLU on September 1st?

Ortega: No, ma'am.

Gealta: Did you have any knowledge that they had spoken to the ACLU?

Ortega: No.

Gealta: Did you use force on Inmate Castro because he had spoken to the ACLU?

Ortega: No.

Gealta: Why did you use force on Inmate Castro on September 1st, 2009?

Ortega: Because I felt he was a threat to myself and deputy personnel.

Gealta: At any point, did Inmate Rodriguez talk to you at all?

Brenneman: Before or after or during?

Gealta: At any point, Rodriguez?

Ortega: Say it again. I'm sorry.

Gealta: Inmate Rodriguez, did -- has he ever talked to you? Have you ever seen him in the jail?

Ortega: Yeah.

Gealta: Rodriguez --

Ortega: Yes.

Gealta: -- are you familiar with him?

Ortega: I'm not familiar with him.

Gealta: Well, you know who he is and he's spoken to you?

Ortega: Right.

Gealta: Did he ever ask you, "What's this all about" after this incident?

Ortega: No.

Gealta: Did you ever make the comment to Inmate Rodriguez, "That's for your home boys that are being bitches and snitches and the mother-fuckers that want to disrespect us," or words to that effect?

Ortega: No, ma'am.

Gealta: Did you see anyone other than what we've talked about use force on Inmate Rodriguez?

Ortega: No, ma'am.

Gealta: Since the day of the incident, have you had any contact with Inmate Castro?

Ortega: No.

Gealta: Did you ever tell Inmate Rodriguez he better not cry like a bitch to anyone?

Ortega: No, ma'am.

Gealta: Did you ever tell him he better not talk to Internal Affairs or anyone about what happened?

Ortega: No, ma'am

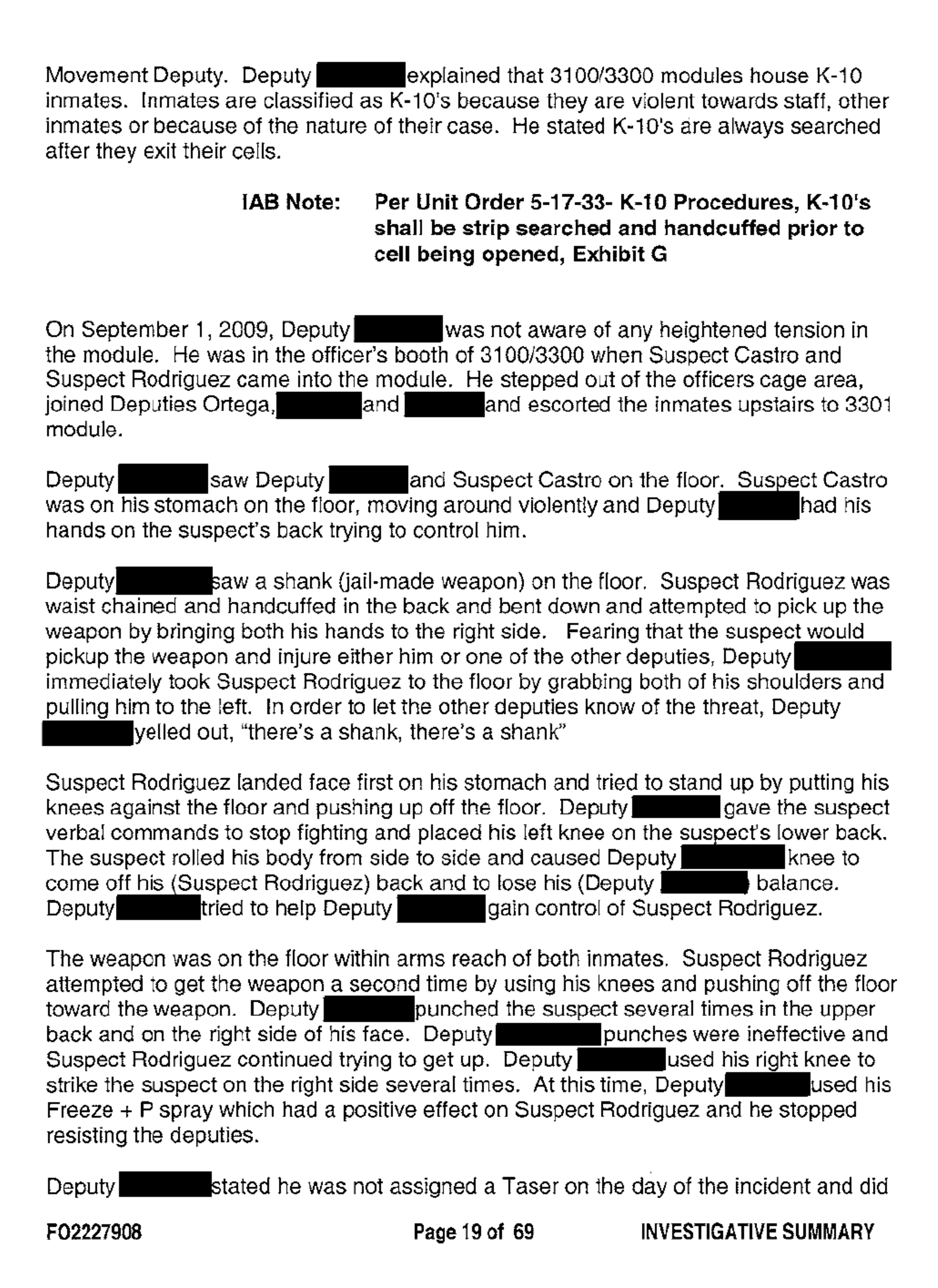
IAB Note: **For further information, refer to Deputy Ortega's IAB verbatim transcript.**

IAB Note: **See Exhibit "A" for a supplemental report authored by Deputy Ortega.**

[redacted]

Deputy [redacted] was interviewed on Monday, November 2, 2009, at approximately 1044 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Internal Affairs Bureau. The interview was tape recorded, the following is a summary of that interview.

Deputy [redacted] stated on the day of the incident he was assigned as the 3100/3300



Movement Deputy. Deputy [redacted] explained that 3100/3300 modules house K-10 inmates. Inmates are classified as K-10's because they are violent towards staff, other inmates or because of the nature of their case. He stated K-10's are always searched after they exit their cells.

IAB Note: Per Unit Order 5-17-33- K-10 Procedures, K-10's shall be strip searched and handcuffed prior to cell being opened, Exhibit G

On September 1, 2009, Deputy [redacted] was not aware of any heightened tension in the module. He was in the officer's booth of 3100/3300 when Suspect Castro and Suspect Rodriguez came into the module. He stepped out of the officers cage area, joined Deputies Ortega, [redacted] and [redacted] and escorted the inmates upstairs to 3301 module.

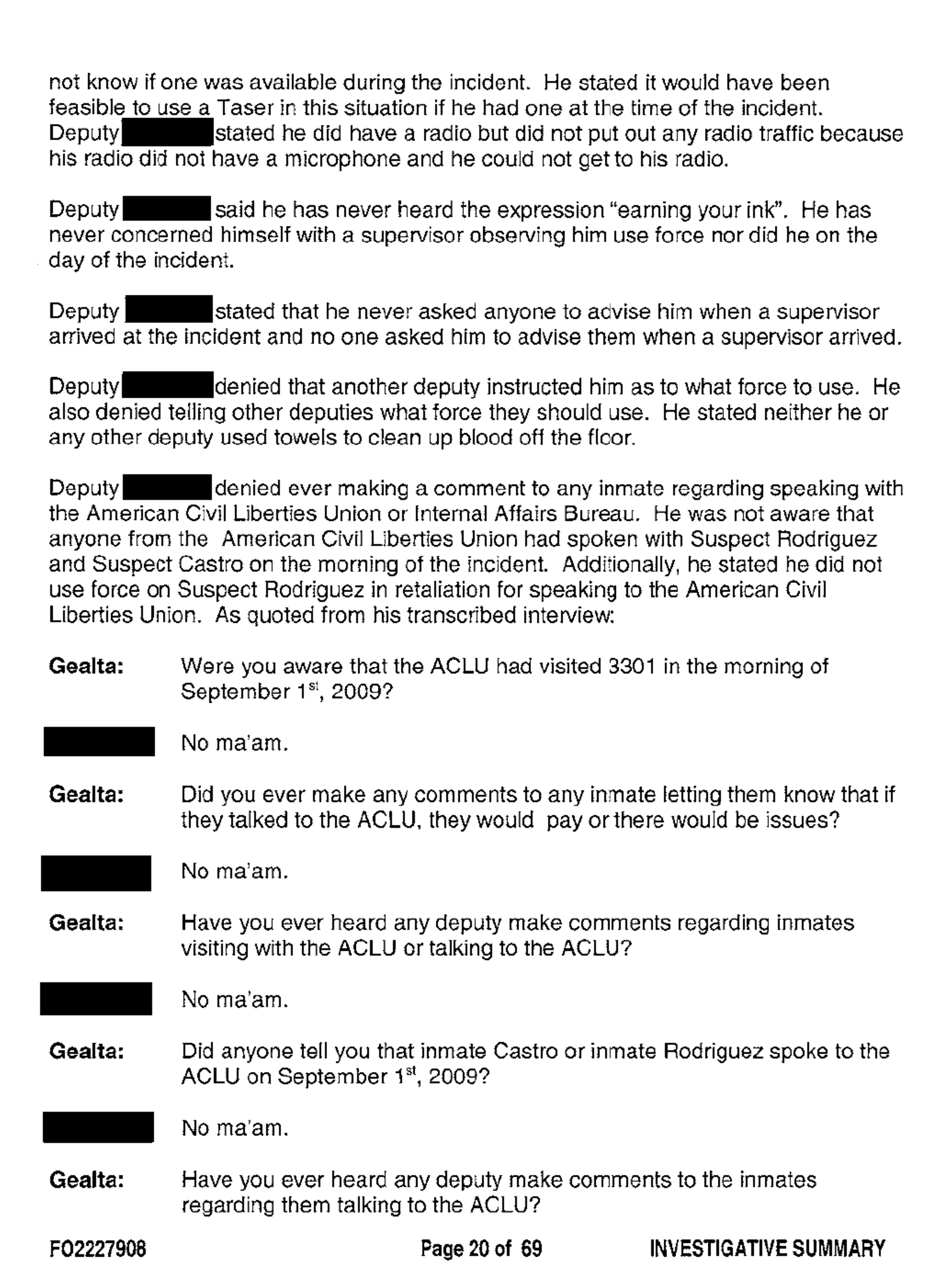
Deputy [redacted] saw Deputy [redacted] and Suspect Castro on the floor. Suspect Castro was on his stomach on the floor, moving around violently and Deputy [redacted] had his hands on the suspect's back trying to control him.

Deputy [redacted] saw a shank (jail-made weapon) on the floor. Suspect Rodriguez was waist chained and handcuffed in the back and bent down and attempted to pick up the weapon by bringing both his hands to the right side. Fearing that the suspect would pickup the weapon and injure either him or one of the other deputies, Deputy [redacted] immediately took Suspect Rodriguez to the floor by grabbing both of his shoulders and pulling him to the left. In order to let the other deputies know of the threat, Deputy [redacted] yelled out, "there's a shank, there's a shank"

Suspect Rodriguez landed face first on his stomach and tried to stand up by putting his knees against the floor and pushing up off the floor. Deputy [redacted] gave the suspect verbal commands to stop fighting and placed his left knee on the suspect's lower back. The suspect rolled his body from side to side and caused Deputy [redacted] knee to come off his (Suspect Rodriguez) back and to lose his (Deputy [redacted] balance. Deputy [redacted] tried to help Deputy [redacted] gain control of Suspect Rodriguez.

The weapon was on the floor within arms reach of both inmates. Suspect Rodriguez attempted to get the weapon a second time by using his knees and pushing off the floor toward the weapon. Deputy [redacted] punched the suspect several times in the upper back and on the right side of his face. Deputy [redacted] punches were ineffective and Suspect Rodriguez continued trying to get up. Deputy [redacted] used his right knee to strike the suspect on the right side several times. At this time, Deputy [redacted] used his Freeze + P spray which had a positive effect on Suspect Rodriguez and he stopped resisting the deputies.

Deputy [redacted] stated he was not assigned a Taser on the day of the incident and did



not know if one was available during the incident. He stated it would have been feasible to use a Taser in this situation if he had one at the time of the incident. Deputy [redacted] stated he did have a radio but did not put out any radio traffic because his radio did not have a microphone and he could not get to his radio.

Deputy [redacted] said he has never heard the expression "earning your ink". He has never concerned himself with a supervisor observing him use force nor did he on the day of the incident.

Deputy [redacted] stated that he never asked anyone to advise him when a supervisor arrived at the incident and no one asked him to advise them when a supervisor arrived.

Deputy [redacted] denied that another deputy instructed him as to what force to use. He also denied telling other deputies what force they should use. He stated neither he or any other deputy used towels to clean up blood off the floor.

Deputy [redacted] denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union or Internal Affairs Bureau. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated he did not use force on Suspect Rodriguez in retaliation for speaking to the American Civil Liberties Union. As quoted from his transcribed interview:

Gealta: Were you aware that the ACLU had visited 3301 in the morning of September 1st, 2009?

[redacted] No ma'am.

Gealta: Did you ever make any comments to any inmate letting them know that if they talked to the ACLU, they would pay or there would be issues?

[redacted] No ma'am.

Gealta: Have you ever heard any deputy make comments regarding inmates visiting with the ACLU or talking to the ACLU?

[redacted] No ma'am.

Gealta: Did anyone tell you that inmate Castro or inmate Rodriguez spoke to the ACLU on September 1st, 2009?

[redacted] No ma'am.

Gealta: Have you ever heard any deputy make comments to the inmates regarding them talking to the ACLU?

[redacted] No ma'am.

Gealta: Did you use force on inmate Rodriguez, because he had spoken to the ACLU on September 1st, 2009?

[redacted] No ma'am.

Gealta: Did you use any force on Justin Castro, inmate Justin Castro?

[redacted] No ma'am.

Gealta: Since the day of the incident, have you had any contact with inmate Castro?

[redacted] No ma'am.

Gealta: How about Rodriguez?

[redacted] No.

IAB Note: For further information, refer to Deputy [redacted] IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy [redacted]

[redacted]

Deputy [redacted] was interviewed on Monday, November 2, 2009, at approximately 1055 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Internal Affairs Bureau. The interview was tape recorded, the following is a summary of that interview.

Deputy [redacted] said on the day of the incident he was assigned as the 3100 Module Officer. Deputy [redacted] stated he was inside of 3100 module when three or four inmates returned from the law library. He stated he believed Deputy Avalos brought the inmates in the module from outside.

Deputy [redacted] stated that K-10 inmates are not always searched prior to leaving or when they return to the module. He stated it is done on a random basis. He did not know if inmates were searched when they left the law library or upon their return from the law library.

IAB Note: Per Unit Order 5-17-33- K-10 Procedures, K-10's shall be strip searched and handcuffed prior to cell being opened, Exhibit G

Deputy [redacted] stated the inmates were waist-chained with their hands in the back when they returned to 3100/3300 module. Once inside the module Deputy [redacted] assisted in escorting two inmates back to 3301.

Deputy [redacted] saw Deputy [redacted] grab Inmate Castro by the shoulder area and take him to the floor. Immediately after, he saw Deputy [redacted] grab Inmate Rodriguez by the shoulder area and push him to the floor. Deputy [redacted] yelled, "there's a shank, there's a shank!"

Inmate Rodriguez instantly put his knees up towards his chest and tried to stand up. Deputy [redacted] instructed Suspect Rodriguez to stay on the floor, additionally, other unknown deputies were yelling "stop fighting, stop fighting." Suspect Rodriguez did not comply with the deputies' commands.

Deputy [redacted] stated Suspect Rodriguez was lying down on his stomach, rolling from side to side and trying to get up onto his knees. Deputy [redacted] punched Suspect Rodriguez four to five times on the left side of his face. The punches did not affect Suspect Rodriguez and he continued trying to stand up.

Deputy [redacted] put his left knee on Suspect Rodriguez' upper back to prevent him (Rodriguez) from getting up. Deputy [redacted] continued to tell Suspect Rodriguez to stay on the floor; however, Suspect Rodriguez kept trying to bring his knees to his chest to enable him to stand up.

In an effort to gain control of Suspect Rodriguez, Deputy [redacted] struck him (Rodriguez) on the left side of his torso area with his [redacted] knee. Rodriguez continued to struggle to stand up and Deputy [redacted] sprayed him with Freeze +P in the facial area. The Freeze+P had a positive effect and Suspect Rodriguez complied with the deputies' orders.

Deputy [redacted] stated he was not assigned a Taser on the day of the incident and did not know if one was available during the incident. He stated it would have been feasible to use a Taser in this situation if he pulled it out fast enough. Deputy [redacted] stated he did have a radio but did not put out any radio traffic because he did not have time.

Deputy [redacted] said he has never heard the expression "earning your ink". He has never concerned himself with a supervisor observing him use force nor did he on the day of the incident.

Deputy [redacted] stated that he never asked anyone to advise him when a supervisor arrived at the incident and no one asked him to advise them when a supervisor arrived.

Deputy [redacted] denied that another deputy instructed him as to what force to use. He also denied telling other deputies what force they should use. He stated neither he or

any other deputy used towels to clean up blood off the floor.

Deputy [redacted] denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated he did not use force on Suspect Rodriguez in retaliation for speaking to the American Civil Liberties Union. As quoted from his transcribed interview:

Gealta: This incident occurred on PM shift. Did you work a double on September 1st, 2009?

[redacted] No I didn't ma'am.

Gealta: Were you aware that the ACLU had visited 3301 in the morning?

[redacted] No ma'am.

Gealta: Did you ask him about the sergeant? When you came on shift that, on September 1st, were you aware if there was any tension in the module?

[redacted] Yes.

Gealta: Tell me about that.

[redacted] There was a gassing the day before of a deputy, also that same day on AM shift, four, I think four or five inmates attacked a couple deputies on the AM shift.

Gealta: So was there some sort of briefing or how did you know?

[redacted] Word was passed on by other deputies.

Gealta: So when you relieved the day shift deputies, they told you?

[redacted] Yeah, they summarized the day and you know, what happened.

Gealta: And there was a sergeant assigned on that module?

[redacted] Now there is, yes.

Gealta: On that day was there?

[redacted] On that day, yes.

Gealta: Did he have any type of briefing or speak to you at all before these inmates came back from law library?

[redacted] Not that I remember ma'am.

Gealta: Were you aware that the ACLU had visited 3301 during day shift?

[redacted] No ma'am.

Gealta: On September 1st. I'm sorry, on September 1st?

[redacted] No.

Gealta: Did you ever make any comments to any inmate letting them know that if they talked to the ACLU, there would be a problem or that they would pay?

[redacted] No ma'am.

Gealta: Do you know what the procedure is for inmates speaking with the ACLU?

[redacted] Procedures?

Gealta: How does an inmate get to talk to someone from the ACLU?

[redacted] ACLU walks in the modules and usually escorted by a lieutenant or a sergeant and they just go into the tiers.

Gealta: And they talk –

[redacted] Yeah, they talk to them through the bars and that's about it.

Gealta: Did anyone tell you that inmate Castro or inmate Rodriguez had spoken to the ACLU on September 1st, 2009?

[redacted] No ma'am.

Gealta: Have you ever heard any deputy make any comments to the inmates regarding them talking to the ACLU?

[redacted] No ma'am.

Gealta: Did you use force on inmate Rodriguez, because he had spoken to the ACLU?

[redacted] No ma'am.

Gealta: Why did you use force against inmate Rodriguez?

[redacted] I had seen him with the shank, that's why I used force. Him not following our commands you know, a shank involved and that's the reason why I reacted.

IAB Note: For further information, refer to Deputy [redacted] IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy [redacted]

AVALOS, Brian
Deputy Brian Avalos was interviewed on Wednesday, November 4, 2009, at approximately 1140 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Internal Affairs Bureau. The interview was tape recorded, the following is a summary of that interview.

Deputy Avalos said on the day of the incident he was assigned as the 3301 Module Officer. Deputy Avalos explained that 3301 is the discipline module for K-10 inmates, who are inmates who have a high propensity for violence toward staff or other inmates. He said they are always searched when they leave or return to their cells. Deputy Avalos said, the inmates are handcuffed then removed from their cells and searched.

IAB Note: Per Unit Order 5-17-33- K-10 Procedures, K-10's shall be strip searched and handcuffed prior to cell being opened, Exhibit G

Deputy Avalos stated on September 1, 2009, he escorted an inmate to the law library and at the same time four or five unidentified deputies went down to the law library to escort four inmates back to 3000 floor. He stayed in the law library putting the inmate into a cell then returned to his module. When he arrived to 3301, he saw the deputies, Suspect Castro and Suspect Rodriguez were arriving to the module. Deputy Avalos entered into the 3301 office because he was going to open the cell gates so the deputies could house the suspects. As he was going to open the gates, he heard some thuds and chains scrapping the floor. He immediately ran out the door and saw several deputies and the two inmates on the floor.

Deputy Avalos saw at least two unknown deputies and Suspect Castro on the floor. Further down the hallway, he saw Suspect Rodriguez on his stomach, rocking back and forth on his hips, trying to roll over onto his back. Suspect Rodriguez was kicking violently. Deputy Avalos' attention was drawn to Suspect Rodriguez because he was

kicking his legs and Deputy [redacted] and [redacted] were yelling verbal commands for him to stop fighting, which he was ignoring. Deputy Avalos believed Deputy [redacted] and [redacted] needed assistance. Deputy Avalos gave Suspect Rodriguez verbal commands to stop fighting. Suspect Rodriguez did not comply with Deputy Avalos' commands and continued to kick his feet at Deputy Avalos. Deputy Avalos struck Suspect Rodriguez 5-7 times on his left ankle with the long portion of his flashlight, at which point Suspect Rodriguez complied with the deputies" orders to stop fighting.

Deputy Avalos stated that during the incident he did not want to grab Suspect Rodriguez' legs, because he did not want Suspect Rodriguez to break his hand. Deputy Avalos used his left hand and arm as a shield to protect himself from Suspect Rodriguez' strikes.

Deputy Avalos stated it was possible that he struck Suspect Rodriguez in the right ankle, but he was certain he struck the suspect's left ankle.

Deputy Avalos stated he did not see anyone holding Suspect Rodriguez' legs. He stated he did not strike Suspect Rodriguez in the back of his head with a flashlight.

Deputy Avalos stated he had prior contact with both Suspect Castro and Suspect Rodriguez, but never had any negative experiences with either one.

Deputy Avalos stated he was not assigned a Taser on the day of the incident. He stated it would have been feasible to use a Taser if he had one available. Deputy Avalos stated he had a radio but forgot to use it during the incident.

Deputy Avalos said he has never heard the expression "earning your ink". He has never concerned himself with a supervisor observing him use force nor did he on the day of the incident.

Deputy Avalos stated that he never asked anyone to advise him when a supervisor arrived at the incident and no one asked him to advise them when a supervisor arrived.

Deputy Avalos denied that another deputy instructed him as to what force to use. He also denied telling other deputies what force they should use. He stated neither he or any other deputy used towels to clean up blood off the floor.

Deputy Avalos denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated he did not use force on Suspect Rodriguez in retaliation for speaking to the American Civil Liberties Union. He also denied telling Suspect Rodriguez he was there to keep an eye on him or that he would be add charged if he said anything about what had occurred. As quoted from his transcribed interview:

Gealta: Were you aware that the ACLU had visited 3301 the morning of September 1st --

Avalos: No, ma'am.

Gealta: -- 2009?

Avalos: Huh-uh.

Gealta: Did you ever make any comment to inmates letting them know that if they talk to the ACLU they would pay?

Avalos: No, ma'am.

Gealta: Did you ever make a comment specifically or words to the effect, "If you boys want to be bitches and call the ACLU, then you're gonna pay for this"?

Avalos: No, ma'am.

Gealta: Did anyone tell you that Inmate Castro or Rodriguez had spoken to the ACLU on September 1st, 2009?

Avalos: No, ma'am.

Gealta: Have you ever heard any deputy make any comment to an inmate regarding the inmate wanting to talk to the ACLU?

Avalos: No, ma'am.

Gealta: How about after they've talked to the ACLU?

Avalos: No, ma'am.

Gealta: Did you use force on Inmate Rodriguez because he had spoken to the ACLU?

Avalos: No, ma'am.

Gealta: Did this incident occur because Inmate Castro threw liquid at a deputy on August 31st?

Avalos: No, ma'am.

Gealta: Why did you use force against Inmate Rodriguez on September 1st?

Avalos: Because he was fighting with deputy personnel and his legs were attempt -- well, he was attempting to kick deputy personnel so, therefore, I did what I -- my -- I did what I did, basically.

Gealta: Did you use any force on Inmate Justin Castro?

Avalos: No, ma'am.

Gealta: Did you see anyone other than what we discussed use force on Castro?

Avalos: No, ma'am.

Gealta: Since the day of the incident, have you had contact with Inmate Castro?

Avalos: No, just when I saw him out in the hall, that's about it. I saw him, that's basically --

Gealta: Tell me about that. Where were you?

Avalos: I was -- I was either going to the law library or picking up someone from their attorney because I was by myself. Well, yeah, I was either picking up somebody from law library or going to attorney because I was by myself, and the only time I'm walking down the hallway by myself during p.m. shift is if I want to do either of those things. When I was in 3301. So I was just walking and I don't know where he was going, he was being escorted by another deputy, so I don't know where he was going. I just saw him. He did -- we did not make any eye contact. He just walked out.

Gealta: Okay.

Avalos: That's it. That's when I -- that's when I saw him. That's the only time I seen him after that.

Gealta: Have you worked in the hospital between September 1st and now at all?

Avalos: The hospital? What hospital? The hospital side at CJ?

Gealta: Uh-huh.

Avalos: No, no. No, I -- no, because I work -- that's my spot now 3000.

Gealta: No, I understand, but do you ever work overtime or --

Avalos: No, I haven't.

Gealta: -- or have you worked there at all? Did you ever go to the hospital and tell Inmate Rodriguez you were there to keep an eye on him and Inmate Castro?

Avalos: No.

Gealta: Did you tell Inmate Rodriguez that if he said anything about what happened, the deputies would make their own report and he would be add charged?

Avalos: No.

IAB Note: **For further information, refer to Deputy Avalos' IAB verbatim transcript.**

IAB Note: **See Exhibit "A" for a supplemental report a authored by Deputy Avalos.**

WITNESSES STATEMENTS

Sworn Witnesses

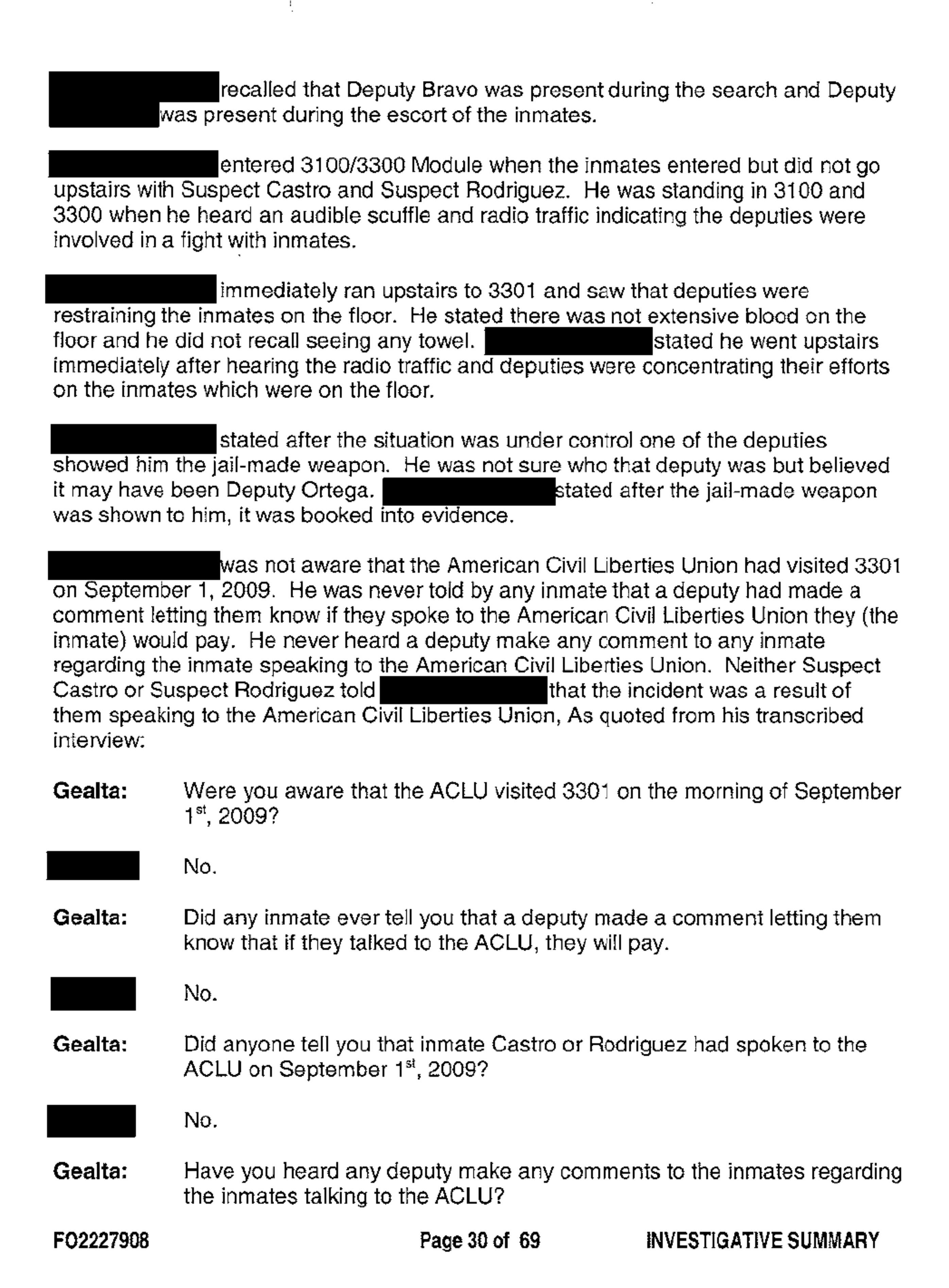
[redacted] was interviewed on Tuesday, December 15, 2009, at approximately 0515 hours then again on February 1, 2010 by Internal Affairs Bureau Sergeant Diana Gealta at Men's Central Jail. The interviews were tape recorded, the following is a summary of those interviews.

On September 1, 2009, [redacted] was assigned as the 3100/3300 Sergeant on PM Shift. [redacted] explained that 3100/3300 houses K-10 inmates and that K-10 inmates are keep away from other inmates for various reasons.

[redacted] stated that K-10 inmates are searched when they leave their cells and when they return to their cells. He stated a sergeant must be present when a Pro Per inmate is searched to ensure their legal material is not destroyed or removed from their possession.

[redacted] stated on the day of the incident he was not aware of any tension in 3100 and 3300 and he did not brief the deputies that there was tension in the module. He did not instruct deputies to have additional personnel during the escort of K-10 inmates.

[redacted] stated at some point when the inmates were escorted back from the law library he joined the escort; however, he could not say exactly where. A pat down search of the inmates was conducted in his presence prior to entering the module.



[redacted] recalled that Deputy Bravo was present during the search and Deputy [redacted] was present during the escort of the inmates.

[redacted] entered 3100/3300 Module when the inmates entered but did not go upstairs with Suspect Castro and Suspect Rodriguez. He was standing in 3100 and 3300 when he heard an audible scuffle and radio traffic indicating the deputies were involved in a fight with inmates.

[redacted] immediately ran upstairs to 3301 and saw that deputies were restraining the inmates on the floor. He stated there was not extensive blood on the floor and he did not recall seeing any towel. [redacted] stated he went upstairs immediately after hearing the radio traffic and deputies were concentrating their efforts on the inmates which were on the floor.

[redacted] stated after the situation was under control one of the deputies showed him the jail-made weapon. He was not sure who that deputy was but believed it may have been Deputy Ortega. [redacted] stated after the jail-made weapon was shown to him, it was booked into evidence.

[redacted] was not aware that the American Civil Liberties Union had visited 3301 on September 1, 2009. He was never told by any inmate that a deputy had made a comment letting them know if they spoke to the American Civil Liberties Union they (the inmate) would pay. He never heard a deputy make any comment to any inmate regarding the inmate speaking to the American Civil Liberties Union. Neither Suspect Castro or Suspect Rodriguez told [redacted] that the incident was a result of them speaking to the American Civil Liberties Union, As quoted from his transcribed interview:

Gealta: Were you aware that the ACLU visited 3301 on the morning of September 1st, 2009?

[redacted] No.

Gealta: Did any inmate ever tell you that a deputy made a comment letting them know that if they talked to the ACLU, they will pay.

[redacted] No.

Gealta: Did anyone tell you that inmate Castro or Rodriguez had spoken to the ACLU on September 1st, 2009?

[redacted] No.

Gealta: Have you heard any deputy make any comments to the inmates regarding the inmates talking to the ACLU?

[redacted] No.

Gealta: Did either inmate Castro or Rodriguez tell you this incident occurred as a result of them speaking to or request the ACLU?

[redacted] No.

IAB Note: For further information, refer to Sergeant Duarte's IAB verbatim transcripts.

CASTRO, Mario
Supervising Line Deputy Mario Castro was interviewed on December 16, 2009 at approximately 1400 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant Irma Chevalier at Internal Affairs Bureau. The interview was tape recorded, the following is a summary of that interview.

Supervising Line Deputy Castro was assigned as the 3000 Floor senior on September 1, 2009. He stated he was not aware of any tension in 3100, 3300 or 3301 modules.

Deputy Castro stated he was in the hallway when inmates returned from the law library. He believed four inmates returned but was not sure. Deputy Castro stated he believed deputies conducted a pat down search of the inmates in the hallway; but, he was not sure. He stated he recalled the inmates were standing facing the wall,(off to the side of the entrance to the module); however, he did not recall wether or not a searched was conducted.

Deputy Castro explained that inmates stand facing the wall for various reasons, which include: waiting to make entry into the module, if they are stopped from walking, if they are going to be searched or if their property is going to be searched.

Deputy Castro stated he was standing at the entrance to 3100 and 3300 modules when the deputies entered to escort the inmates back to their cells. He stated approximately one minute later he heard there was a problem in 3301. Deputy Castro said he was within hearing distance of the module and was not sure if he heard radio traffic or the voices of deputies upstairs.

Deputy Castro walked up towards 3301 and as he reached the stairwell, one of the suspects was being escorted down the stairs. Deputy Castro went to the hallway and provided security until the nurse arrived. He could not identify which suspect was in the hallway. While they waited for the nurse the suspect did not make any statements to Deputy Castro.

Deputy Castro was not aware that the American Civil Liberties Union had visited 3301 on September 1, 2009. He was never told by any inmate that a deputy had made a comment letting them know if they spoke to the American Civil Liberties Union they (the

inmate) would pay. He never heard a deputy make any comment to any inmate regarding the inmate speaking to the American Civil Liberties Union. Neither Suspect Castro or Suspect Rodriguez told Senior Line Deputy Castro that the incident was a result of them speaking to the American Civil Liberties Union. As quoted from his transcribed interview:

Gealta: Shifting gears now. Where did...were you aware that the ACLU had visited 3301 on the morning of September 1st, 2009?

Castro: No.

Gealta: Did any inmate ever tell you that a Deputy made a comment letting him know that if they talked to the ACLU, they would pay?

Castro: No.

Gealta: Did anyone tell you that inmate Castro or inmate Rodriguez had spoken to the ACLU on September 1st, 2009?

Castro: No.

Gealta: Have you ever heard a Deputy make any comment to the inmates regarding them speaking to the ACLU?

Castro: No.

Gealta: Did either inmate Castro or Rodriguez tell you that the incident that occurred on September 1st in 3301 was a result of them speaking to the ACLU?

Castro: No. I was present when they were being treated, or one of them was. I forgot which one it was. And he didn't mention anything of that sort. And if I could just add about the ACLU. We're not aware when the ACLU comes in or who they speak with or they interview. Usually when they come in on p.m.'s, on my shift, I will walk with the Lieutenant. It's usually the Lieutenant, the Watch Commander, and then we'll escort them to wherever they wanna go. Once they get to the module and we open the gates, we stand outside of the gates and they go down the rows and they talk to whoever they want to interview. We're not aware of who they talk to. We don't ask them who they spoke with. Sometimes they go and they speak with specific inmates. Other times they'll walk the whole row and talk to everybody in that cell. They don't tell us any personal issues that the inmates made, other than maintenance problems like, you know, there's a leaky toilet in Cell 7 or whatever. There's a broken light in, you know, a cell. Whatever. Those are the comments that we hear from them,

at least when I'm present. We don't have a, a discussion afterwards or anything like that. They're done with my floor and then I'm done, doing my job and escorting them.

Gealta: So let's say for instance, say if the ACLU comes out and tells you that 36-Baker-2 has a, a leaky toilet. What do you do with that information?

Castro: I tell the Deputy to write a work order and that's it.

Gealta: Does anything happen to the inmates in that cell because the ACLU came out and told you that they had something, a issue?

Castro: No. I mean it's, it's just, you know, a maintenance thing.

Gealta: Do you have anything more?

Chevalier: What is, from your, how you perceive it, how do the Deputies respond or accept toward the ACLU when they come? Are they professional with them? Are they short with them? Do they want them in their hall, you know. Do they not want them there?

Castro: They're professional. Their conversation with them is very limited. Usually they'll deal with, with me or the Lieutenant.

Kander: You're referring to the ACLU?

Castro: Yes. The, uh, the Deputies just kind of shy away. Sometimes we'll ask them for a better explanation of how things are done since they're there every day, you know, doing those duties. Uh, but usually, uh, the ACLU will, will go in there and, and just interview the inmates. Go through the, the UDAL books. That's, that's about it.

Deputy Castro was aware that Deputy [redacted] had an unknown substance thrown on him on August 31, 2009. He stated the use of force involving Suspect Castro and Suspect Rodriguez was a result of Suspect Castro possessing a jail-made weapon.

IAB Note: For further information, refer to Senior Line Deputy Castro's IAB verbatim transcript.

BROWN, Richard

Deputy Richard Brown was interviewed on November 4, 2009 at approximately 1100 hours by Internal Affairs Sergeant Diana Gealta and Sergeant David Bly at Internal Affairs Bureau. The interview was tape recorded. The following is a summary of that interview.

Deputy Brown explained that his understanding of a "shot caller" is an inmate who has been housed in a certain location long enough to earn the respect of all the other inmates or has enough power or authority over the other inmates to make decisions within his housing location.

Deputy Brown stated that typically Deputies are aware who the shot callers are within the housing location. He did not believe a Suspect Rodriguez was a "shot caller" within any module.

Deputy Brown denied that he ever spoke to Suspect Rodriguez regarding other inmates speaking to the American Civil Liberties Union. He stated on September 1, 2009 he was not aware that the American Civil Liberties Union had visited 3301 nor that Suspect Castro or Suspect Rodriguez had spoken to the American Civil Liberties Union.

Deputy Brown denied making any comment to any inmate regarding the inmate speaking to the American Civil Liberties Union. Deputy Brown never heard any deputy make any comment to any inmate regarding the inmate speaking to the American Civil Liberties Union.

Deputy Brown stated that nothing occurred in 3301 during day shift and there was nothing that he was aware of that occurred on September 1, 2009 which caused tension with the inmates. He stated he was not present when Suspect Castro and Suspect Rodriguez returned from the law library.

HERNANDEZ, Christopher
Deputy Christopher Hernandez was interviewed on December 22, 2009 at approximately 1145 hours by Internal Affairs Sergeant Diana Gealta and Sergeant David Bly at Internal Affairs Bureau. The interview was tape recorded. The following is a summary of that interview.

Deputy Hernandez stated on the day of the incident, he was assigned as the 3200/3400 Title 15 Deputy. On the day of the incident he was aware of tension in 3100/3300 Module which was on-going from a couple of weeks prior.

On the day of the incident, Deputy Hernandez was asked to help escort K-10 inmates back from court line. While in the 3000 floor hallway, Deputy Hernandez saw the K-10 inmates returning from the law library.

Deputy Hernandez stated that he was housing an inmate in 3100/3300 module along with Deputy Bravo. While they were on one of the rows with the inmate, they heard radio traffic indicating a deputy involved fight in 3301 module.

Deputy Hernandez stated they put the inmate in his cell, and he along with Deputy Bravo left the module. Deputy Hernandez returned to his module and was not certain

where Deputy Bravo went.

IAB Note: Deputy Bravo stated that both he and Deputy Hernandez went upstairs to 3301 module. Sergeant [redacted], Deputy [redacted] and Deputy Ortega did not recall seeing Deputy Hernandez in 3301 at the time of the incident.

Deputy Hernandez stated he did not escort either Inmate Castro or Inmate Rodriguez to the clinic. He also denied booking the evidence in this case as indicated in the initial complaint report.

IAB Note: Following the interview Deputy Hernandez reviewed the evidence ledger, He contacted the investigator and stated he recalled booking the evidence in the case.

Nobody asked Deputy Hernandez to advise them if a sergeant was responding to the location. He did not make the statement "Stripes are walking." Deputy Hernandez did not see any blood on the floor in 3301. He did not use towels to wipe up any blood.

Deputy Hernandez denied telling Suspect Rodriguez, "You know the routine, Rodriguez, right?"- or making the comments, "You're not gonna cry on camera now, are you?"- or "they're gonna interview you right now, let's see if you don't snitch too?"

Deputy Hernandez stated he has heard the expression, "earning your ink." He stated south-side inmates get tattoos for doing things. He has talked to various south side inmates during the past two years. Deputy Hernandez stated he has observed other deputies interviewing inmates and learn about gangs. Deputy Hernandez stated that "earning your ink" is a common phrase for inmates. He stated he has used the phrase in talking to inmates; however, he has not heard other deputies use the phrase nor did he hear it used on September 1, 2009. Deputy Hernandez stated deputies on 3000 floor do have tattoos, but to the best of his knowledge, none of the deputies have a tattoo which is specific to the 3000 Floor.

Deputy Hernandez did not see anyone use force on Suspect Castro or Suspect Rodriguez nor did he use force on either suspect.

Deputy Hernandez denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated the force on Suspect Rodriguez and Suspect Castro was not in retaliation for speaking to the American Civil Liberties Union or because Suspect Castro was suspected in throwing an unknown substance at Deputy [redacted] As quoted from his transcribed interview:

Gealta: Were you aware that the ACLU had visited 3301 on the morning of September 1st, 2009?

Hernandez: No ma'am.

Gealta: Did you ever make any comment to any inmate, letting them know that if they talked to the ACLU, they would pay?

Hernandez: No ma'am.

Gealta: Have you ever made the comment or words, "If you boys want to be bitches and call the ACLU, you are going to pay for this."? Or words to that affect?

Hernandez: No ma'am.

Gealta: Did anyone tell you that inmate Castro or inmate Rodriguez spoke to the ACLU on September 1st, 2009?

Hernandez: No ma'am.

Gealta: Have you heard any deputy make any comment to the inmates regarding them speaking to the ACLU?

Hernandez: No ma'am.

Gealta: Was force used on inmate Rodriguez, because he had spoken to the ACLU?

Hernandez: No ma'am.

Gealta: Did this incident occur, let me back up. Were you aware of a gassing incident that occurred in 31 and 3 on the day prior to this, August 31st?

Hernandez: I recall, heard something about a gassing.

Gealta: Do you know if the force in this incident was retaliation because of that gassing?

Hernandez: No ma'am.

Gealta: No, you don't know or no, it wasn't?

Hernandez: No, it wasn't.

Deputy Hernandez was re-interviewed on January 21, 2009 at approximately 1400 hours by Internal Affaris Bureau Sergeant Diana Gealta and David Bly at Internal Affairs Bureau. The interview was tape recorded, the following is a summary of that interview.

Deputy Hernandez said he recalled housing one inmate with Deputy Bravo, they were on the row when the fight was broadcast over the radio. They asked the inmate to face the wall and had to wait for deputy personnel to open the gate to house the inmate. Deputy Hernandez said neither he nor Deputy Bravo went to open the gate because policy requires two deputies to escort an inmate down the row.

IAB Note: **The K-10 Unit Order states there shall be one deputy escorting one K-10 on the row**

Deputy Hernandez stated it took from twenty five to thirty seconds for a deputy to open the cell gate after the fight was broadcast over the radio. He stated he did hear the radio transmission indicating that no further assistance was needed (code 4), however; he was not certain at what point. Once Deputy Hernandez and Deputy Bravo put the inmate in his cell, Deputy Hernandez did not go to 3301 because there were deputies up in the module.

Deputy Hernandez said after his first interview, he returned to Men's Central Jail and checked the ledger in the evidence locker and discovered that he did book the jail-made weapon. He contacted Deputy [redacted] who printed a copy of the report and showed it to Deputy Hernandez. Deputy Hernandez confirmed with Deputy [redacted] that he (Hernandez) had booked the jail-made weapon. Deputy Hernandez said he remembered after he looked at the evidence ledger that he had booked the jail-made weapon. Deputy Hernandez confirmed that the writing in the evidence ledger was his writing.

Deputy Hernandez could not recall who gave him the jail-made weapon or where it was given to him. He stated the person who gave him the jail-made weapon gave him page two of the complaint report with the information as to what to write in evidence ledger.

IAB Note: **Deputy [redacted] stated he gave the jail-made weapon to Deputy Hernandez and asked him to book it into evidence. Deputy [redacted] denied that he gave Deputy Hernandez page two of the complaint report.**

Deputy Hernandez did not recall escorting inmates to clinic as listed in the complaint report. Deputy Hernandez denied that he went to 3301 module on the day of the incident.

IAB Note: **For further information, refer to Deputy Hernandez' IAB verbatim transcript.**

BRAVO, Justin

Deputy Justin Bravo was interviewed on December 23, 2009 at approximately 0940 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant Irma Chevalier at Men's Central Jail. The interview was tape recorded, the following is a summary of that interview.

Deputy Bravo stated on the day of the incident he was assigned as the 3000 Floor Prowler #2. He was not aware of any tension in 3100, 3300 or 3301. Deputy Bravo stated he remembered seeing K-10 inmates return to 3000 floor. He was not sure if they were returning from the law library or from court line.

Deputy Bravo stated he did not see the K-10 inmates searched in the hallway prior to returning to their module. He and Deputy Hernandez escorted two inmates to one of the lower tiers in either 3100 or 3300. While they were on the row, they heard a broadcast over the radio of a deputy involved fight in 3301.

Deputy Bravo and Deputy Hernandez housed the two inmates and went upstairs to 3301. It took somewhere between two to four minutes from the time they heard the radio traffic to the time they housed the inmates they were escorting and arrived to 3301.

IAB NOTE: Deputy Hernandez denied going to 3301.

Once he arrived in 3301, Deputy Bravo stated the nurse was treating the inmates. They did not need his or Deputy Hernandez' assistance so they went out to the 3000 floor hallway.

Nobody asked Deputy Bravo to advise them if a sergeant was responding to the location. He did not make the statement "Stripes are walking." Deputy Bravo did not recall if there was a lot of blood on the floor. He did not use towels to wipe up any blood.

Prior to September 1, 2009, Deputy Bravo did not know either Suspect Rodriguez or Suspect Castro. Deputy Bravo denied telling Suspect Rodriguez, "You know the routine, Rodriguez, right?"- or making the comments, "You're not gonna cry on camera now, are you?"- or "they're gonna interview you right now, let's see if you don't snitch too?" Deputy Bravo stated he never heard the expression, "earning your ink."

Deputy Bravo did not see anyone use force on Suspect Castro or Suspect Rodriguez nor did he use force on either suspect.

Deputy Bravo denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated the force on Suspect Rodriguez and

Suspect Castro was not in retaliation for speaking to the American Civil Liberties Union, As quoted from his transcribed interview:

Gealta: The incident that we're talking about, it occurred on p.m. shift on September 1st, 2009. Did you work a double that day?

Bravo: No, I, I don't remember.

Gealta: You didn't. Were you aware that the ACLU visited 3301 on the morning of September 1st, 2009?

Bravo: No, ma'am.

Gealta: Did you ever make any comment to any inmate letting them know if they talked to the ACLU they will pay?

Bravo: No, ma'am.

Gealta: For example, if your, if your boys wanna be bitches and call the ACLU, then you're gonna pay for this, or words to that effect?

Bravo: No.

Gealta: Did anyone tell you that inmate Castro or inmate Rodriguez had spoken to the ACLU on September 1st, 2009?

Bravo: No.

Gealta: Have you ever heard any Deputy make any comment to inmates regarding the inmates speaking to the ACLU?

Bravo: No.

Gealta: Sorry?

Bravo: No.

Gealta: Was force used on inmate Rodriguez because he had spoken to the ACLU?

Bravo: No.

Gealta: And was force used on inmate Castro because he had spoken to the ACLU?

Bravo: No.

Deputy Bravo was not aware that Suspect Castro had been listed as a suspect in throwing an unknown substance at Deputy [redacted] on August 31, 2009; however, he did not believe that force was used against Suspect Rodriguez and Suspect Castro as a result of that incident.

IAB Note: For further information, refer to Deputy Bravo's IAB verbatim transcript.

RIVERA, Jason
Deputy Jason Rivera was interviewed on December 14, 2009 at approximately 1411 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant Irma Chevalier at Internal Affairs Bureau. The interview was tape recorded, the following is a summary of that interview.

Deputy Rivera stated he was assigned as the 1750 Module Officer on September 1, 2009. Deputy Rivera denied having any contact with Suspect Rodriguez or Suspect Cuevas. He stated he did not respond to 3000 floor on September 1, 2009 and was not aware of the incident which occurred on September 1, 2009.

Deputy Rivera stated he has been assigned as the 1700/1750 Relief Deputy since June or July. He could not recall the last time he had been on 3000 floor.

Deputy Rivera stated he has been a deputy sheriff since February 2008, and he has never used force. Deputy Rivera denied ever talking with Suspect Rodriguez.

Deputy Rivera denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated the force on Suspect Rodriguez and Suspect Castro was not in retaliation for speaking to the American Civil Liberties Union, As quoted from his transcribed interview:

Gealta: Were you even aware that the ACLU was in 3301 on September 1st, 2009?

Rivera: No.

Gealta: Did you ever make any comments to any -- any inmate letting him know if they talk to the ACLU they will pay?

Rivera: No.

Gealta: Have you ever said something to the effect, "If you boys want to be

bitches and call the ACLU, then you're gonna pay for, this" or words to that effect?

Rivera: No.

Gealta: I'm sorry?

Rivera: No.

Gealta: Did anyone tell you that Inmate Castro or Inmate Rodriguez spoke to the ACLU on September 1st, 2009?

Rivera: No. No, sorry.

Gealta: Let me finish the questions.

Rivera: I'm sorry. It's just so -- it's just so foreign, it's like, no, you know? Sorry.

Gealta: Have you heard any deputy make any comment to the inmates regarding them speaking to the ACLU?

Rivera: No, ma'am.

Gealta: Do you know if force was used on Inmate Castro because he had spoken to the ACLU?

Rivera: No, ma'am.

Gealta: How about Inmate Rodriguez? Do you know if anyone used force on him because he had spoken to the ACLU?

Rivera: No, ma'am.

Gealta: Since the day -- since September 1st, 2009, have you had any contact with Inmate Castro?

Rivera: Not to my knowledge, no. If I did, I didn't know it was him or --

Gealta: How about Inmate Rodriguez?

Rivera: No, same thing.

Gealta: Irma, do you have anything?

Chevalier: Does the ACLU appear in your dormitory?

Rivera: Yes, ma'am.

Chevalier: And how are they received there? What is the perception of ACLU with regards to 1750?

Rivera: You mean by me or by --

Chevalier: Yeah, how do you --

Rivera: -- by deputies? I mean, I don't know –

Chevalier: How do --

Rivera: -- I can't speak for the deputies.

Chevalier: -- how do you feel about the ACLU coming into the housing area?

Rivera: They have a job to do and they do it.

Chevalier: And then how are the -- how do the deputies perceive it? How is it per received?

Rivera: I couldn't tell you. I mean, I can say that --

Chevalier: What is your perception of how the deputies?

Rivera: I've never had a conversation with another deputy in regards to, you know, how -- what they -- how they feel about ACLU.

Chevalier: And do you prevent them from doing their work or do you prevent them from speaking to inmates --

Rivera: No, ma'am.

Chevalier: -- does that go on? Have you seen where they -- where the ACLU is prevented from talking to anybody?

Rivera: No.

Chevalier: You ever seen that?

Gealta: Have you ever seen anybody do anything to an inmate because they spoke to the ACLU?

Rivera: No, ma'am.

IAB Note: For further information, refer to Deputy Rivera's IAB verbatim transcript.

IBARRA, Manuel
Deputy Manuel Ibarra was interviewed on December 23, 2009 at approximately 1215 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant Irma Chevalier at Men's Central Jail. The interview was tape recorded, the following is a summary of that interview.

Deputy Ibarra said he was assigned as the 3300 Module Officer on September 1, 2009. He explained that 3300 houses K-10 inmates are classified as such because they are hostile to deputies, staff members and other inmates. He said they are handcuffed and escorted every where they go. He stated K-10 are not although K-10 inmates are supposed to be searched when they exit or enter the module, he does not always do it because of time constraints or if he chooses not to search an inmate.

IAB Note: Per Unit Order 5-17-33- K-10 Procedures, K-10's shall be strip searched and handcuffed prior to cell being opened, Exhibit G

He stated he was not aware of any tension in 3100/3300 Module or 3301 Module on the day of the incident. On September 1, 2009, Deputy Ibarra stated he was inside of 3100 Module by himself when he saw two unknown deputies escort inmates onto 3100 Baker row.

Deputy Ibarra stated he was getting ready to open the gates when he heard radio traffic that deputies were involved in a fight in 3301 module. After he heard radio traffic that the situation in 3301 module was under control, he opened the cell doors and the inmates were put back into their cells. The deputies left the row, and he did not know if the two deputies who were on 3100 Baker row responded to 3301 module. Deputy Ibarra stated he never went upstairs to see what had occurred.

Deputy Ibarra stated no one asked him to advise them if a supervisor was responding to the module and he did not make the comment, "stripes are walking."

Deputy Ibarra stated he did not hold Suspect Rodriguez down or use pepper spray during the incident. He did not see any force used on Suspect Rodriguez or Suspect Castro nor did he use any force on either inmate.

Deputy Ibarra denied telling Suspect Rodriguez, "You know the routine, Rodriguez, right?"- or making the comments, "You're not gonna cry on camera now, are you?"- or "they're gonna interview you right now, let's see if you don't snitch too?" Deputy Ibarra stated he never heard the expression, "earning your ink."

Deputy Ibarra denied ever making a comment to any inmate regarding speaking with the American Civil Liberties Union. He was not aware that anyone from the American Civil Liberties Union had spoken with Suspect Rodriguez and Suspect Castro on the morning of the incident. Additionally, he stated the force on Suspect Rodriguez and Suspect Castro was not in retaliation for speaking to the American Civil Liberties Union, As quoted from his transcribed interview:

Gealta: Were you aware that the ACLU had visited 3301 on the morning of September 1st, 2009?

Ibarra: No.

Gealta: Did you ever make any comment to any inmate letting them know that if they talked to the ACLU they will pay?

Ibarra: No.

Gealta: Have you ever said if you boys want to be bitches and call the ACLU, you're gonna pay for this or words to that effect?

Ibarra: No.

Gealta: Did anyone tell you that Inmate Castro or Inmate Rodriguez had spoken to the ACLU on September 1st, 2009?

Ibarra: No.

Gealta: Have you ever heard any deputy make any comment to any inmate regarding the inmates speaking to the ACLU?

Ibarra: No.

Gealta: Was force used on Inmate Rodriguez because he had spoken to the ACLU?

Ibarra: I don't know. I don't know if it was Inmate Rodriguez that was on the force. I don't know who was involved in the force.

Gealta: It was Inmate Rodriguez and Inmate Castro.

Ibarra: Did I witness?

Gealta: No, I said did....

Brenneman: Was force used?

Gealta: Was force used on them because they spoke to the ACLU?

Ibarra: No.

Gealta: That you're aware of?

Ibarra: That I'm aware of, no.

IAB Note: **For further information, refer to Deputy Ibarra's IAB verbatim transcript.**

Civilian Witnesses

[redacted]

Inmate [redacted] was interviewed on October 22, 2009 at approximately 1000 hours by Internal Affairs Bureau Sergeant Diana Gealta. The interview was conducted via telephone. The interview was tape recorded, the following is a summary of that interview.

Witness [redacted] stated he requested to speak to American Civil Liberties Union in February and spoke to the them while he was housed in 4500 module. Witness [redacted] said he was allowed to speak to the American Civil Liberties Union. He stated deputies who he could not identify made comments such as " why are you talking to them, why are you telling on us and you guys are stepping up to the ACLU and telling on us." Witness [redacted] said the comments were made when he was escorted from 3100/3300 to speak to the American Civil Liberties Union.

Witness [redacted] said deputies never did anything to Witness [redacted] because he spoke to the American Civil Liberties Union nor did they threaten him, as quoted from his transcribed interview:

Gealta: Did you ever request to speak to the ACLU?

[redacted] That was in February of this year, February of this year.

Gealta: So did you request to speak to the ACLU? And what happened when you requested to speak to them?

[redacted] Um.

Gealta: Did you get to talk to them?

[redacted] Yeah, I did.

Gealta: Did anything happen after you talked to them?

[redacted] No. I just spoke to them about what happened.

Gealta: Okay.

[redacted] And that was it.

Gealta: Did a deputy ever make any comments regarding you speaking to the ACLU?

[redacted] Well, they don't like us talking to them because they don't want us to make them get on -- what they're supposed to be doing.

Gealta: Uh-huh.

[redacted] As far as taking showers and things like that.

Gealta: Did a deputy make a comment because you spoke to the ACLU to you?

[redacted] For the what?

Gealta: Did a deputy ever make a comment to you because you spoke to the ACLU?

[redacted] Oh, yeah, "Why you talking to them? Why are you telling on us?" And things like that.

Gealta: Who? Who said that to you?

[redacted] I don't remember his name.

Gealta: You don't remember?

[redacted] No.

Gealta: Was it only one deputy?

[redacted] Yeah.

Gealta: So that's what I wanted to ask you about that. Did you know of anyone else asking to speak to the ACLU in that module?

[redacted] A lot of people.

Gealta: Okay. You said that you requested to speak to the ACLU in February?

[redacted] Yeah.

Gealta: The comment, as far as "why are you telling on us, why are you talking to them," when was that comment made?

[redacted] Throughout -- well, because in February I had went to the hole because of what had happened.

Gealta: Okay.

[redacted] With deputies, and I was in the hospital. I came back and that's when I requested to speak to ACLU.

Gealta: Okay.

[redacted] So.

Gealta: When you came back, where were you housed?

[redacted] In the hole in 4500.

Gealta: So it was in 4500. Now the comment that was made to you by the deputy which you don't remember the deputy's name, where were you housed when that comment was made?

[redacted] In 3100/3300.

Gealta: Do you know when that comment was made? Like, I know you won't remember the same exact date but was it back in February or?

[redacted] Yeah, it was -- it was throughout all the time I was getting pulled out for the attorney room.

Gealta: Okay.

[redacted] And when they would drop me off they would the see the ACLU and they would be like oh, you know? Made comments like you guys are stepping up to ACLU and telling on us, things like that.

Gealta: Did they ever do anything to you because you talked to the ACLU?

[redacted] No, no, after what had happened.

Gealta: And did -- did you -- did they ever threaten to do anything to you if you talked to the ACLU?

[redacted] No.

IAB Note: **The incident Witness [redacted] refers to in his interview which occurred in February 2009 was documented under file # 009-00262-5100-505.**

Witness [redacted] stated he was present in the module when Suspect Castro and Suspect Rodriguez returned from the law library. He stated he could not see what happen; but, he could hear a scuffle and he heard deputies yelling commands to stop resisting and stop fighting.

IAB Note: **For further information, refer to Witness [redacted] IAB verbatim transcript.**

[redacted]

Inmate [redacted] was interviewed on October 14, 2009 at approximately 0935 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Men's Central Jail. The interview was tape recorded the following is a summary of that interview.

Witness [redacted] refused to make a statement regarding the use of force incident or any issues with the deputies in regard to inmates requesting to speak to the American Civil Liberties Union.

[redacted]

Inmate [redacted] was interviewed on October 28, 2009 at approximately 1000 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant Irma Chevalier at the Parole Office in Huntington Park, California. The interview was tape recorded, the following is a summary of that interview.

Witness [redacted] stated that while he was in the custody of the Los Angeles County Sheriff's Department, he never requested to speak to the American Civil Liberties Union nor did he know of another inmate who had requested to speak with the American Civil Liberties Union.

IAB Note: **Witness [redacted] was released from 3301 on September 1, 2009 prior to the time of the force incident.**

[redacted]

Inmate [redacted] was interviewed on October 14, 2009 at approximately 1040 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Men's Central Jail. The interview was tape recorded, the following is a summary of that interview.

Witness [redacted] stated he asked to speak to the American Civil Liberties Union directly. He stated a comment was made by a deputy in 3301 but he refused to identify the deputy. Additionally, he did not see deputies use force on inmates Castro or Rodriguez, but he heard when it was happening. Witness [redacted] stated as quoted from his transcribed interview:

Gealta: Did any deputy make a comment when they saw that you were talking to the ACLU?

[redacted] Oh, yeah –

Gealta: What? What comment was made?

[redacted] I really, they didn't make it like that, like then and there in the hole. They made it like out there.

Gealta: And for the record you're moving your head like outside. What do you mean out there? Where?

[redacted] I mean attorney room.

Gealta: Okay.

[redacted] Because the ACLU is out there.

Gealta: Uh huh.

[redacted] And they thought we were talking to them.

Gealta: And what was said, what comment was made?

[redacted] I can't remember too much perfectly, but said something like, "You're out there talking to the ACLU?" or something and I have to just think about it and remember. I don't want to say the wrong –

Bly: Well you don't have to quote it. Just in general what was said?

[redacted] Something like, something like a name or something, like they call us a name or something. We're talking to the ACLU or snitching to the ACLU or something.

Gealta: And who said that to you?

[redacted] I don't really want to name a name you know.

Gealta: So you're refusing to tell me who said it to you?

[redacted] Yeah, well I don't want to be going to court or nothing, or put my name on papers and stuff you know?

Bly: So a deputy said that to you?

[redacted] Yeah.

Bly: Was it one deputy?

[redacted] Yeah.

Bly: And then what happened?

[redacted] And then just pretty bad treatment over there in the hole. Like they're just like messed up with us, like treated us wrong and hitting our cell throwing our stuff around.

Bly: Doing cell searches?

[redacted] Yeah, we didn't get, yeah, and they didn't give us our food the next day.

Gealta: Do you remember when that was?

[redacted] The day after my court, my, the day after my attorney pass. The day after the comment.

Bly: What month was it?

[redacted] Last month. But we didn't get, we didn't get lunch that day and we didn't get breakfast the next day.

Bly: Who's we, everybody?

[redacted] The whole tier.

Bly: The whole tier?

[redacted] When we came back from those passes.

Bly: And did you tell everybody that it was because of the ACLU or?

[redacted] Yeah, you know we asked the sergeant and he said he'd go check on it and he never came back and then the night he'd bring us lunches like we

told him, "Hey, we haven't eaten, we're hungry." and he bring us lunches he's like why didn't they give it to you and he brought us lunches.

Gealta: Now how come, how did you know it was because you had talked to the ACLU?

[redacted] I don't know, I don't know for sure, but it was right after that day the comment, it was the same guy and then the day after that, that's when they got into that little thing.

Gealta: What little thing?

[redacted] When they beat up those guys, handcuffed.

Bly: You saw a fight?

[redacted] No, I didn't see it, we heard it and we were kicking our door, telling them to leave them alone, because it was for a long time and these guys are handcuffed. So they can't possibly be fighting. So we're like, "Let them go." we're kicking the doors like hey get off of them, because we only could hear around the corner.

Gealta: So it wasn't anywhere you guys could see?

[redacted] It was right around the corner, from our cells.

Gealta: And what did you hear?

[redacted] We just hear yelling like, the guys like moaning and stuff and the cops telling, "Oh, stop resisting." or something or he has a knife or something.

Gealta: So you heard the deputies say that?

[redacted] Yeah, like they always say that, just so they can keep hitting, but I know that's not my case that's the other case.

Witness [redacted] stated that the deputy who made the comment to him was rude and worked in 3301 in the morning. Witness [redacted] added that he has not had any problems after the last time he spoke to the American Civil Liberties Union or where he is currently housed. Witness [redacted] stated, as quoted from his transcribed interview:

Bly: After the last time that you talked to the ACLU, nothing happened right?

[redacted] To me?

Bly: Right.

[redacted] Right there?

Bly: The last time you talked to the ACLU –

[redacted] The person?

Bly: – you said, yeah, when they pulled you out and you talked to them and you said you've got no more problems. Is that correct?

[redacted] Well I get my visits, I get my roof and I mean I don't get to go to canteen because they have freeze my account and I don't get to call on no phone.

Bly: But listen to my question. After you spoke to the ACLU the last time, everything's okay with you, other than you still have stuff to straighten out, but –

[redacted] Yeah, the deputies up here are cool. They don't mess with your or nothing like that.

IAB Note: **At the time of the interview Witness [redacted] was housed in 7000.**

IAB Note: **For further information, refer to Witness [redacted] IAB verbatim transcript**

[redacted]

Inmate [redacted] was interviewed on October 22, 2009 at approximately 0730 hours by Internal Affairs Bureau Sergeant Diana Gealta via telephone.

Witness [redacted] refused to be audio recorded, he also refused to make a statement regarding the use of force incident or any issues with the deputies in regard to inmates requesting to speak to the American Civil Liberties Union.

[redacted]

Inmate [redacted] was interviewed on October 14, 2009 at approximately 1030 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Men's Central Jail. The interview was tape recorded, the following is a summary of that interview.

Witness [redacted] stated that while he was housed in 3301 he requested to speak to the American Civil Liberties Union. He stated he was put on a list but had not spoken to them regarding the issue as of the time of this interview.

Witness [redacted] stated his request was not made through a deputy but to the American Civil Liberties Union directly. He stated he was not aware of a deputy making any comment due to his request to speak to the American Civil Liberties Union. As quoted from Witness [redacted] transcribed interview:

Gealta: Did it, did a deputy ever make a comment about you requesting to speak to ACLU?

[redacted] Not that I know of.

Gealta: So you asked to speak to them –

[redacted] I didn't ask, I didn't ask the deputy.

Gealta: What list are you talking about then?

[redacted] Well because they come around the tiers sometimes, they come onto the row sometimes and I think her name was [redacted] She told me, "Okay, I'll write your name down and put you on the list of others and you've got to wait your turn." or whatever.

Gealta: Oh okay. Okay, so she put your name on the list and so no deputy made a comment as far as you talking to her, requesting to be put on that list?

[redacted] Not that I, know.

Witness [redacted] stated Deputy Brown made a comment to Witness [redacted] after he returned from speaking to [redacted] from the American Civil Liberties Union, he added that the deputies do not like when inmates talk to the American Civil Liberties Union, as quoted from Witness [redacted] transcript:

Gealta: Do you know if anyone else has asked to speak to the ACLU?

[redacted] I know an [redacted] had gone down, he had got a pass to the attorney room [redacted] and he was right there in the cell next to me and when the deputies saw that it was [redacted] from ACLU, and made the comment, "Oh, so –." he said, "Oh, so you guys are stepping up to bat now huh? You guys are going to start telling on us?"

Gealta: And do you know what deputy that was that said that?

[redacted] Deputy Brown.

Bly: Was he serious or was he joking?

[redacted] Oh, I don't know. Usually it's the deputies don't like when we talk to ACLU.

Bly: Why is that?

[redacted] Because they like to do what they want to do in here, when it's, they don't like ACLU getting in their faces.

Bly: What I mean is, why do you think deputies don't like them? Did they tell you that or, why do you think that?

[redacted] Because as soon as someone starts making complaints to ACLU about what deputies are doing, they, a whole, a whole bunch of stuff starts happening like oh, they start searching cells all the time, start wanting to put you in the hole for stuff that you didn't do. They try to make your life as miserable as possible.

Witness [redacted] added that his cell had been searched and he had been written up after speaking to the American Civil Liberties Union but he had not requested to speak to he American Civil Liberties Union for a long time. As quoted from his transcript:

Gealta: Has that actually happened to you?

[redacted] Yeah.

Gealta: Because when I asked you before if you had, you said that the deputies never made a comment to you and nothing had happened to you.

[redacted] No, I haven't, I haven't been through that in a long time, because I myself haven't gone out on, I've never been pulled out by ACLU, but ACLU in the past has come to a tier and talked to me for something specifically and directly after that, after making complaints, I've had my cell searched, I've been written up, stuff like that.

Gealta: When was that? When did that happen?

[redacted] This was, I've been down, I've been here since 2003.

Gealta: Okay.

[redacted] So that was in 2003, and this happened in 2004, maybe 2005.

Gealta: Do you remember who searched your cell?

[redacted] A lot of deputies that aren't there. It's like Senior Florence, Deputies

uh...Jones. I can't remember these other guys. It's been years.

Gealta: And then you said they put you in the hole. What did they put you in the hole for, do you remember?

[redacted] Contraband, which could be anything from linen to excess food or anything.

Gealta: Did you have linen or excess food?

[redacted] No.

Gealta: So they lied about that, is that what you're telling me?

[redacted] Yeah, they do it all the time and there's no dispute. There's no disputing if they say they found it in my cell, the sergeant comes and he asks for what they say and they always find what they say.

Gealta: But you're saying that happened some time between 2003 and 2005?

[redacted] No, it's been, yeah, it happens still. It hasn't happened lately, but I'm saying it was a while ago when that happened.

Gealta: Okay.

Bly: Well when was the last time that happened to you?

[redacted] It was, being written up for something I didn't do?

Bly: No, where you think because you talked with the ACLU, deputies did whatever they did. When was the last time that happened?

[redacted] In around 2004, 2005.

Witness [redacted] added that he, Witness [redacted] Witness [redacted] and Witness [redacted] had their cells searched after Witness [redacted] and Witness [redacted] asked to speak to the American Civil Liberty Union.

Witness [redacted] clarified that he did not actually hear Deputy Brown make the comment to Witness [redacted] He was told by Witness [redacted] that Deputy Brown had made the comment, as quoted from Witness [redacted] transcribed interview:

Bly: And when you said, who was the last inmate that went and talked to the ACLU?

[redacted] Well when I was in the hole, it was my, the cell next to me. Someone named [redacted]

Bly: [redacted]?

[redacted] Yes.

Gealta: Do you know where he's at now?

[redacted] He's down on 3000 floor.

Gealta: Do you have anything else?

Bly: Did anything happen to him after he got, came back from his visit?

[redacted] No, they searched the cell, but that's about it.

Bly: Did they search everybody's cell?

[redacted] No, some of us. Mine, his and I think two others.

Bly: So when this happens, when someone has a visit and their cell gets searched, the deputies are searching other cells too, along with that –

[redacted] They usually just, well what happens is sometimes they'll do a tier search or sometimes they'll just go directly to a cell of a person and that went out it just depends.

Gealta: But other than this, when you were up in 3301 when you said it happened to [redacted] do you know of anyone else that it happened to?

[redacted] It was mine, his, [redacted] and someone else. [redacted]

Gealta: But did they all asked to speak to ACLU or just [redacted]?

[redacted] [redacted] asked to speak to ACLU and [redacted] I don't know if he asked, but they pulled him out. That was the only reason that they did that. I, but like I said, all I know is what he told me the comment that Brown made.

Gealta: So you didn't hear Deputy Brown say that to him?

[redacted] No, no I didn't.

Gealta: Okay.

Bly: Have you talked to, is this recently or are we all talking back in 2004?

[redacted] No, that right there is recently when I was in the hole, which is, was in August, September.

IAB Note: For further information, refer to Witness [redacted] IAB verbatim transcript

[redacted]

Inmate [redacted] was interviewed on October 14, 2009 at approximately 0930 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Men's Central Jail. The interview was tape recorded, the following is a summary of that interview.

Witness [redacted] refused to make a statement regarding the use of force incident or any issues with the deputies in regard to inmates requesting to speak to the American Civil Liberties Union.

[redacted]

Inmate [redacted] was interviewed on October 14, 2009 at approximately 0900 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Men's Central Jail. The interview was tape recorded, the following is a summary of that interview.

Witness [redacted] stated he never asked to speak to the American Civil Liberties Union and did not know of anyone who had asked to speak to the American Civil Liberties Union.

[redacted]

Inmate [redacted] was contacted on December 23, 2009 at approximately 1030 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant Irma Chevalier at Men's Central Jail. Witness [redacted] refused to make a statement.

[redacted]

Inmate [redacted] was interviewed on October 14, 2009 at approximately 1000 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly at Men's Central Jail. The interview was tape recorded, the following is a summary of that interview.

Witness [redacted] stated he never asked to speak to the American Civil Liberties Union and did not know of anyone who had asked to speak to the American Civil Liberties Union.

[redacted]

Inmate [redacted] was contacted on December 23, 2009 at approximately 1030 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant Irma Chevalier at Men's Central Jail. Witness [redacted] refused to make a statement.

[redacted]

Inmate [redacted] was contacted on December 23, 2009 at approximately 1030 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant Irma Chevalier at Men's Central Jail. Witness [redacted] refused to make a statement.

SUSPECTS STATEMENTS

CASTRO, Justin

Suspect Justin Castro was interviewed on October 14, 2009 at approximately 1000 hours by Internal Affairs Bureau Sergeant Diana Gealta and Sergeant David Bly. The interview was tape recorded, the following is a summary of the interview.

Suspect Castro stated prior to the day of the incident he had never requested to speak to the American Civil Liberties Union. As quoted from his transcribed interview:

Gealta: We are here to talk to you about an incident which occurred on September 1, where were you housed on that day?

Castro: I was housed in disciplinary module, 3301.

Gealta: Did anyone from the ACLU visit the row that day?

Castro: That day, no.

Gealta: Did anybody ever make any comments to you about talking to the ACLU?

Castro: Uhm, no.

Bly: Have you ever spoke to the ACLU?

Castro: Yes, I have.

Bly: When did you speak to the ACLU?

Castro: Uh, I'd say about two weeks ago.

Bly: Before or after your foot?

Castro: After this.

Bly: Okay.

Gealta: Okay.

Bly: Before that you never spoke to the ACLU?

Castro: Before that? No.

Bly: Did you ever request to talk to the ACLU? Before that?

Castro: No.

Bly: Okay.

Suspect Castro stated that he was escorted back to 3000 floor along with three other K-10 inmates (Inmate Rodriguez, Inmate [redacted] and an unidentified inmate) from the law library. Prior to entering 3100/3300 module several unknown deputies searched them in the presence of Senior Deputy Castro.

Suspect Castro stated they entered the module and went upstairs to 3301 prior to going through the row gate. He and Suspect Rodriguez were instructed to face the wall and they complied. Suddenly Deputy [redacted] took him to the floor and he was kicked, punched and hit with flashlights. He added that an unidentified deputy banged his face on the floor.

Suspect Castro stated he believed the incident occurred because he was in discipline module due to an incident with Deputy [redacted] the day prior to this incident. As quoted from Suspect Castro's transcribed interview:

Gealta: So then I want you to tell me everything that happened from the time after you were searched, tell me everything that happened.

Castro: Okay. Well, uhm, after we were searched, they open the door, we go, we go, uh, me and Rodriguez go upstairs and the other inmates go to their housing mod unit, and then we go upstairs and we start entering 3301 and, uhm, once he opened the gate, because there's like a hallway and there's a gate that they have to open to for us to go in, they opened it and while we're going to go through the gate, one of the deputies says, "Face the wall," so we stopped and we faced the wall. And then in the corner of my eye, I seen one of the deputies, uhm, come, like walk behind me and before I knew it I'm on the floor and I'm getting kicked, punched, hit with, uh, flashlights.

Gealta: Did they say anything to you?

Castro: Uhm, no. That day, no.

Gealta: What do you mean that day, no.

Castro: Well, 'cause, the whole, I think the whole reason why it all happened was 'cause the day before I had an incident allegedly with one of the, one of the officers. That's why I was in the hole. So I guess he felt disrespected and had to take it out on me the next day.

Gealta: The deputy that you had the incident with the day before - -

Castro: Yes.

Gealta: - - was he the same deputy that you - -

Castro: Yes, he's the same one that - -

Gealta: Okay, tell me who it was that - -

Castro: That was, uhm, [redacted] No, excuse me, [redacted]

Gealta: Okay. So you're standing facing the wall.

Castro: Yes.

Gealta: And then someone comes up behind you and what happened?

Castro: He grabbed my shirt and he threw me on the floor and then he started beating me up and - -

Gealta: Stop right there. When he throws you on the floor, how did you land? Were you face up or on your back

Castro: No, I landed on my knees.

Gealta: So you're on your knees, and is your body facing the wall? Or are you facing the deputy?

Castro: I'm facing the floor. With my knees tucked under me. I'm blocking my face. That's why I, I went down in that position.

Gealta: Okay.

Bly: So you're kind of on your knees, but in a little ball?

Castro: In a ball, yeah.

Gealta: So then you go to the ground, you land on your knees, and your face is on the ground too?

Castro: Yes.

Gealta: Did you hit your head?

Castro: At that moment, no.

Gealta: Okay.

Castro: One of the deputies got my head and was banging it on the floor.

Gealta: Were they giving you any commands at all?

Castro: No.

Gealta: Do you know who banged your head?

Castro: Uhm, no, I don't.

Gealta: Do you know who it was that took you down to the ground?

Castro: Yes.

Gealta: Who was that?

Castro: That was [redacted]

Gealta: And then -so then you go on the ground and then what happened?

Castro: And they just started beating me up.

Gealta: Where were you hit?

Castro: Back, uhm, the legs, the side of the face, the back of the head.

Gealta: Do you know with what? What hit you where?

Castro: Uh, it felt like everything was, uhm, was fist. Everything was fist except for my leg, which was a flashlight, 'cause I felt, I felt, it was real hard.

Gealta: Do you know who did that?

Castro: No, I don't.

Gealta: Okay. -

Bly: You said that no one was saying anything to you?

Castro: No. I don't recall any words being said while, while I was being hit and everything.

Suspect Castro denied having a shank , kicking or striking at the deputies. As quoted from his transcribed interview:

Gealta: Did you have a shank that day?

Castro: No, I did not.

Gealta: Okay. Did you see a shank after all - -

Castro: No, I did not.

Gealta: Do you know why they would say that there was one?

Castro: Well, because to cover them.

Gealta: While this whole thing was going on, did you try to protect yourself at all?

Castro: Yes, I did.

Gealta: How did you do that?

Castro: That's when I curled up in a ball and, and put my face like towards, into my legs.

Gealta: Okay. Did you, try and strike the deputies at all?

Castro: No.

Gealta: Did you kick at the deputies?

Castro: No.

Gealta: Did you resist in any way?

Castro: No, I did not. Other than protecting myself, no.

Suspect Castro stated he did not see what happen to Suspect Rodriguez but he did hear him grunt as he was getting hit.

Suspect Castro stated after the incident he had bruises all over his body, he had to get stitches on his forehead and his left ankle was fractured.

IAB Note: For further information, refer to Witness Castro's IAB verbatim transcript

Rodriguez, Antonio
Suspect Antonio Rodriguez was interviewed on October 14, 2009 at approximately 1125 hours by Internal Affairs Bureau Sergeants Diana Gealta and David Bly. The interview was tape recorded, the following is a summary of the interview.

Suspect Rodriguez stated on the day of the incident, he was housed in 3301, the discipline module for K-10 inmates. He stated the American Civil Liberties Union visited the row on the morning on September 1, 2009, they briefly spoke to him and asked how he was doing.

After the American Civil Liberties Union left, Deputy Brown said something to the effect of, "That's the shit I'm talking about. You and your home boys calling ACLU up here regarding living conditions."

IAB Note: Deputy Brown denied making any comment about the American Civil Liberties Union to Suspect Rodriguez

Suspect Rodriguez explained that he has been in jail for approximately five years and he has a little more authority than the other inmates. He stated in the past Deputy Brown had called other inmates snitches for talking to the American Civil Liberties Union and calling Internal Affairs.

IAB Note: Deputy Brown stated he did not have knowledge that Suspect Rodriguez was "a shot caller" and denied making comments to inmates after the spoke to the American Civil Liberties Union

On September 1, 2009, Suspect Rodriguez went to the law library from 1200 hours to 1400 hours. He stated at approximately 1430 hours deputies arrived to escort him and three other inmates back up to 3000 floor. Suspect Rodriguez stated it was unusual that eight deputies arrived to escort them, he said normally there is only one or two deputies escorting the group of inmates returning to 3000 floor. Suspect Rodriguez said Deputy [redacted] Deputy Ortega and Deputy [redacted] were three of the eight that escorted them upstairs. Suspect Rodriguez stated that the deputies were antsy and he could sense the tension. He said they had their flashlights in their hands and Deputy Ortega asked him several times if he was ready.

When they left the library, four additional deputies joined the escort. He stated at that

point, twelve deputies were escorting four inmates. Once they arrived to 3000 floor hallway, approximately ten more deputies joined the escort. Suspect Rodriguez stated approximately twenty-three deputies were escorting the four inmates to 3100,3300 and 3301modules.

They were escorted to the end of the hallway where the sergeant and senior were standing. Once they arrived at the end of the hallway they were searched and then escorted into 3100 and 3300 modules by eleven deputies.

Once they reached 3301 module, there were eight deputies escorting them. Suspect Rodriguez and Castro were instructed by Deputy Ortega to face the wall prior to entering the row. Deputy Ortega said to Deputy [redacted] "All right boys, are you ready to earn your ink?"

Suspect Rodriguez said Deputy Avalos struck him in the back of the head with his flashlight. Suspect Rodriguez turned around to see who hit him and Deputy Avalos hit him again. Suspect Rodriguez went to the floor and saw that several deputies were stomping and hitting Suspect Castro.

IAB Note: Deputy Avalos denied striking Suspect Rodriguez in the back of the head.

Suspect Rodriguez said Deputy [redacted] started screaming at Deputy Ortega to break his (Suspect Rodriguez) legs. Suspect Rodriguez believed this was occurring because of the incident Deputy [redacted] had with Suspect Castro, as quoted from his transcribed interview:

Rodriguez: Ortega told [redacted] he goes, "Are you guys ready?" And I was like, uh, I thought he was talking to me, right? And I go, "Yeah," I go, "We're ready," and he goes, he goes, "I said face the fucking wall," and he told me that and I told him, "I am facing the wall, I thought you was asking me if I was ready to go into module," right? And then, uh, Deputy Ortega tells Deputy [redacted] he goes, "All right, boys, are you ready to earn your ink?" And I was like wow, I mean I didn't know what he was talking about. These guys are all tattooed down, they all have tattoos, now, right? And this guy is all tatted down you know, from one day from another came with tattoo tells his partner, "You ready to earn your ink," or something like that. And I looked to the left and I looked to the right and, uhm, there was, uhm, another one that starts with an A, I'll tell you his name, it's [redacted] and Avalos. Avalos hits me in the back of the head with a flashlight, for no reason, I'm just standing there still handcuffed with my legal work in back in my hand. He hits me in the back of the head and I turn around to see who hit me, and it was him. He goes, "What, motherfucker?" And he starts hitting me again. So at this time I get on the floor now and they all jumped on me, right? They jumped on Castro and I looked to the right

and there's about, all those deputies were in the cubbyhole are on top of him and they start stomping and hitting him with the flashlight, and then, uh, [redacted] started screaming to Ortega, "Break his fucking legs, break his fucking legs," right? And I was like wow. I looked back and - - I didn't know what all this was about, right? But it was a retaliation form of them retaliating because the incident that Castro and him had before. It was his way of retaliating because he said he felt disrespected on the tier.

Gealta: Who's he?

Rodriguez: Uhm, [redacted] felt disrespected on the tier. So he tells me, he goes, "What, what, motherfucker?" He goes, "Get up now," he goes, "Get up now."

Suspect Rodriguez stated he was on his back and Deputy Ortega had one of his (Rodriguez) legs in his hand. He stated Deputy Ortega held his flashlight and swung it like a baseball bat.

Suspect Rodriguez stated Deputy Ortega and Deputy [redacted] were taking turns hitting him and Suspect Castro. He stated he could not see what the deputies were doing to Suspect Castro, but he saw Suspect Castro on the floor and there was blood on his face. Suspect Rodriguez heard Deputy [redacted] say there was a shank on the floor, Suspect Rodriguez said he never saw the shank.

Suspect Rodriguez stated he asked Deputy Ortega the reasons for what had occurred. He stated Deputy Ortega replied that it was because they were snitches and disrespectful, additionally, Deputy Ortega told him to ask Suspect Castro, as quoted from Suspect Rodriguez' transcribed interview:

Rodriguez: So I told, uhm, I told, uhm, Ortega, "Hey, what's this about?" I told him, I go, "What was that all about?" He goes, "That's for your motherfuckin' home boy that are being bitches and snitches, and for the motherfuckers that wanna disrespect us." And I was like - - I had no idea what he was talking about, again, at the time, and he goes, uhm, he goes, "Ask Castro." He goes, "He knows what I'm talking about."

Suspect Rodriguez said that at this point Deputy [redacted] started screaming, "stripes are walking" and said to the other deputies, "alright , kick back." Deputy [redacted] Deputy Rivera, Deputy Ortega and Deputy [redacted] retrieved wet body towels out of the office and started mopping up the blood off the floor.

IAB Note: All of the deputies interviewed denied that anyone wiped any blood up off the floor with towels.

Suspect Rodriguez stated Deputy Rivera walked over to him and tried to wipe his face with the towel he had used to clean the floor. Deputy Rivera kept asking Suspect Rodriguez, "You're all right Rodriguez, you're all right?"

IAB Note: Deputy Rivera was assigned to 1750 Module and denied speaking to Suspect Rodriguez.

Once the sergeant arrived, the sergeant gave the deputies direction to get the suspects medical attention. Deputy Ortega instructed Suspect Rodriguez to get up. Suspect Rodriguez told Deputy Ortega he could not get up, but Deputy Ortega insisted that he stand up. The sergeant returned and requested a Gurney.

Suspect Rodriguez said once he was taken downstairs, Deputy Hernandez approached him and asked him if he knew the routine and made a comment regarding Suspect Rodriguez crying on camera. As quoted from Suspect Rodriguez' transcribed interview:

Rodriguez: When I get downstairs, some other deputies, they're telling him, uh, one of the deputies goes down there, Deputy Hernandez, he goes down there and he's tells me, he goes, uh, he goes, "You know the routine, Rodriguez, right?" And I told him, "Yeah." I go, uh, "Yeah." And he goes, "All right," he goes, uh, "You're not gonna cry on camera, now are you?" And I was like, uh, "Nah," I mean, I told him, "I just, hey, man, I just need to get to a hospital. My legs are hurting," I'm telling him, and he goes, "Well," he goes, uh, "They're gonna interview right now. Let's see if you don't snitch too" or some shit like he said, right?

When the lieutenant interviewed Suspect Rodriguez on video tape, Suspect Rodriguez stated he was in so much pain and he just wanted to get to the hospital. He told the lieutenant that he did not want to talk to him.

Suspect Rodriguez stated he had been involved in prior incidents where deputies had to use force. He stated in the past he was okay with what had happen, the deputies would use force and that was it. He stated this time he was handcuffed and the deputies were retaliating due to the incident which involved Suspect Castro, as quoted from Suspect Rodriguez' transcribed interview:

Rodriguez: And, uh, it was excessive force, that's why I told 'em, like, look, I've been here quite a few years, right, and I've been into - - I've got into incidents where there have been cell extractions in the module where I'm at, there's been all that, okay. Understandable, right? They went in, they did what they did, and that was that. I never, never raised an issue, I never spoke on them. Never said anything about it. It was, if it was excessive force, okay. Okay. I'm gonna get over that. Now this time I was handcuffed and they did this to retaliate in a form of retaliation. I'm over there in the hospital and when they me that my ankles were broken and I'm getting

flashbacks of what they did to me, how they were laughing, how they were saying, "Now what, motherfucker? Get up." Like making jokes at me, and like animals, like way too.. This is no kind of, uh, what kind of shit is this? I'm just laying on my back and you guys are taking turns like a baseball bats on my ankles. You guys are gonna sit around here and say that I tried to attack you guys? For what, because Castro and [redacted] had an incident the day before that sent him to the hole? Clearly on one of the write-ups that I have here in my cell, it says Inmate Castro and [redacted] had an incident with the gassing and words were exchanged the day before. Clearly says right there that he retaliated the very next day by taking us up there where nobody could see nothing, and then jumped on Castro and jumped on me.

Suspect Rodriguez denied trying to pick up a shank, he stated he never saw a shank. Suspect Rodriguez reiterated that both he and Suspect Castro had been searched in the presence of the sergeant and the senior in the hallway prior to entering the module.

Suspect Rodriguez stated he was in a leader position as far as other inmates were concerned. He stated he advised the other inmates to be truthful with the investigation and they agreed that they would.

Suspect Rodriguez said he was hit on his back and ribs, he had bumps all over his head. He stated his eyebrow was split open and was hit on the his face and nose. Rodriguez said he was on his back when Deputy Ortega was holding his left leg and told Deputy [redacted] to break it. He was turned over onto his stomach and his right leg was hit. During the incident, deputies communicated with each other but did not give him any verbal instructions. He stated that Deputies Avalos, [redacted] [redacted] and Ortega were the ones using force on him until other deputies responded. Once the others responded they jumped on him and Deputies Avalos, [redacted] [redacted] and Ortega jumped on Suspect Castro and started using force on him. He stated Deputy Ibarra held him to the floor and used pepper spray on him.

IAB Note: **Deputy Ibarra was assigned to 3300 Module on the day of the incident. He denied responding to 3301 when the inmate disturbance was announced over the radio. He denied holding Suspect Rodriguez or using his OC spray. Deputy [redacted] reported using Freeze +P on Suspect Rodriguez.**

Suspect Rodriguez stated that Deputy Ortega motioned for Deputy Hernandez to watch the hallway and let him know if the sergeant was responding to the location. Deputy Hernandez did indicate that a sergeant was responding by saying, "Stripes are walking, Stripes are walking."

Suspect Rodriguez stated a third time that he believed this incident was retaliation

because of Suspect Castro's actions, as quoted from his transcribed interview:

Gealta: Okay. So - - and you believe this is retaliation because of what happened with Castro?

Rodriguez: Castro the day before.

Gealta: Okay. Okay.

Rodriguez: It's - - on my write-up it clearly states there. [redacted] and Castro had a prior incident the day before with, uh, where it says that Inmate Castro allegedly gassed him and [redacted] responded with pepper spray and pepper sprayed him into the hole.

Gealta: At any point when you were getting hit, you already said the deputies never said anything directly to you?

Rodriguez: No, they were just calling me like little bitch, and this is why we're doing it because my home boys are snitching that's all he said.

On October 21, 2009, the American Civil Liberties Union obtained a declaration from Suspect Rodriguez regarding the events which transpired on September 1, 2009, the following is a summary of that declaration. (Exhibit, B)

The declaration indicates that the incident began when Suspect Rodriguez, Suspect Castro and two other inmates were escorted back from the law library. The declaration indicates there were ten deputies there to pick them up and there had never been that many before and Suspect Rodriguez felt something was wrong.

IAB Note: **In his interview with Internal Affairs Bureau Sergeants Diana Gealta and David Bly, Suspect Rodriguez stated eight deputies went to the law library to escort the four inmates back to 3000 floor and four additional deputies joined the escort when they reached the hallway going to the escalator.**

The declaration indicates Deputy [redacted] asked Suspect Rodriguez and Suspect Castro if they were ready while he was hitting the palm of his hand with a flashlight.

IAB Note: **In his interview with Internal Affairs Bureau Sergeants Diana Gealta and David Bly Suspect, Rodriguez stated Deputy Ortega asked him if he was ready several times.**

The declaration states Suspect Castro and Suspect Rodriguez were escorted to the corridor in 3301 by 6-8 deputies. It also states that Deputy [redacted] asked a second Deputy [redacted] if he was ready to earn his ink. The second Deputy [redacted] stated he was, then hit Suspect Rodriguez in the on the back of his head with a flashlight.

IAB Note: **In his interview with Internal Affairs Bureau Sergeants Diana Gealta and David Bly, Suspect Rodriguez stated Deputy Ortega made the statement "all right boys, are you ready to earn your ink?" Then he was struck in the back of the head with a flashlight by Deputy Avalos.**

IAB Note: **There was only one Deputy [redacted] assigned to 3000 Floor on September 1, 2009.**

The declaration indicates Deputy Ortega held Suspect Rodriguez' legs in his arms and Deputy Avalos told him to break his legs. Deputy Ortega then hit Suspect Rodriguez' ankles with his flashlight.

IAB Note: **In his interview with Internal Affairs Bureau Sergeants Diana Gealta and David Bly, Suspect Rodriguez stated Deputy [redacted] told Deputy Ortega to break his legs.**

IAB Note: **During his interview with IAB investigators, Subject Rodriguez made reference to a use of force which involved Inmate [redacted] and Inmate [redacted] that incident was addressed under file number 009-01228-5100-145.**
He also made reference to an incident which happen on August 31, 2009 between Suspect Castro and Deputy [redacted] that incident was addressed under file number 009-01224-5100-145.

IAB Note: **Refer to individual transcripts and Declaration of Subject Rodriguez,(Exhibit B) for complete statements.**